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JOURNAL

OF THE

HOUSE OF REPRESENTATIVES,

OF

THE STATE OF INDIANA;

BEING THE

TWELFTH SESSION

OF THE

GENERAL ASSEMBLY;

BEGUN AND HELD

AT INDIANAPOLIS, IN SAID STATE,

On Monday the third day of December, 1827.

INDIANAPOLIS, IND.

SMITH AND BOLTON, STATE PRINTERS.

1827.

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JOURNAL
OF
THE HOUSE OF REPRESENTATIVES,
AT THE TWELFTH SESSION OF THE

General Assembly of the State of Indiana,

BEGUN AND HELD AT THE CAPITAL, IN THE TOWN OF INDIANAPOLIS, ON MONDAY THE THIRD DAY OF DECEMBER, IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND TWENTY-SEVEN; BEING THE DAY APPOINTED BY LAW, FOR THE MEETING OF THE GENERAL ASSEMBLY.

The following members of the House of Representatives appeared and took their seats:—

From the county of Wayne, *Abel Lomax, William Elliott, John Jones and William Steele.*

From the county of Dearborn, *Horace Bassett, Ezekiel Jackson, Joel Decoursey and James T. Pollock.*

From the county of Clark, *Isaac Hawk, John M. Lemon and Joseph Work.*

From the county of Washington, *Alexander Little, John De Pauw and Hugh M. Pheeters.*

From the county of Harrison, *Harbin H. Moore and James B. Slaughter.*

From the county of Franklin, *John T. McKinney and John Reid.*

From the county of Switzerland, *Stephen C. Stevens and William Campbell,*

From the county of Jefferson, *Milton Stapp and John L. Spann.*

From the county of Orange, *John G. Clendenin and Alexander Wallace,*

From the county of Knox, *Samuel Judah and Thomas M'Clure.*

From the county of Fayette, *Newton Claypool.*

From the county of Union, *Thomas Brown and William Lewis.*

From the county of Rush, *William Newell.*

From the county of Decatur, *Thomas Hendricks.*

From the county of Ripley, *Merit S. Craig.*

From the county of Jennings, *Ezra T. Pabody.*

From the county of Marion, *George L. Kinnard.*

From the county of Jackson, *William Marshall.*

From the county of Posey, *Samuel Annable.*

From the county of Scott, *Arthur Watts.*

From the county of Floyd, *John K. Graham.*

From the county of Crawford, *Seth M. Levenworth.*

From the county of Laurence, *Louis Roberts.*

From the county of Monroe, *Enos Blair.*

From the county of Gibson, *Walter Wilson.*

From the county of Sullivan, *George Boon.*

From the counties of Spencer and Perry, *Isaac Veatch.*

From the counties of Vanderburgh and Warrick, *Charles M. Johnston.*

From the counties of Pike and Dubois, *John Johnson.*

From the counties of Daviess and Martin, *James G. Read.*

From the counties of Greene and Owen, *Thomas F. G. Adams.*

From the counties of Putnam and Clay, *George Piercy.*

From the counties of Montgomery, Fountain and all the country north of the last named counties, and north of Vermillion county to the Indian Boundary, *John Beard.*

From the counties of Morgan, Hendricks and all the country north of the last named county to the Wabash river, *Thomas J. Mallock.*

From the counties of Shelby and Johnson, *John Smiley.*

From the counties of Randolph, Allen and all the country lying north of Hamilton and Madison counties to the river Wabash, which is not by law attached to other districts, *Daniel Worth.*

From the counties of Henry, Madison and Hamilton, *Elsha Long.*

From the county of Bartholomew and all the country lying west of the same and east of Monroe, *Benjamin Irwin.*

Who severally produced their credentials, and were sworn into office by the Hon. Isaac Blackford, one of the Judges of the Supreme Court.

The House then proceeded to the election of a Speaker; on the first ballot, Harbin H. Moore received thirty-four votes, and Milton Stapp twenty-one votes. Mr. Moore having received a majority of the whole number of votes given, was declared duly elected Speaker of this House during the present session.

Mr. Wilson presented the following resolution for the consideration of the House, to wit:

Resolved, That this House do now proceed to elect a Clerk, who shall employ such assistance as may be necessary to perform the duties of said office.

Mr. De Pauw moved to amend said resolution, by striking out all the words after the word "Clerk," so that the same should read as follows,

"Resolved, That this House do now proceed to the election of a Clerk." Which was carried in the affirmative.

The resolution as amended was then adopted by the House.

The House proceeded to the election of a princi-

pal Clerk, and upon counting the ballots, it appeared that Henry P. Thornton was duly elected. Mr. Thornton was then sworn into office by the Hon. Isaac Blackford, and proceeded in the discharge of his duties.

The House proceeded to the election of an assistant Clerk, and on counting the ballots, it appeared that James F. D. Lanier was duly elected, who was sworn into office by the Hon. Isaac Blackford, and proceeded in the discharge of his duties.

On motion of Mr. Read,

Resolved, That this House do now proceed to the election of an Enrolling Clerk, who shall not be sworn into office until his services are required.

The House then went into the election of an Enrolling Clerk, and on counting the first ballot, Austin W. Morris had twenty-nine votes, Henry H. Talbott had thirteen votes, and Henry Hoover had thirteen votes. Mr. Morris having received a majority of the whole number of votes given, was declared duly elected.

The House then went into the election of a Door-keeper, and on counting the sixth ballot, Thomas White was declared duly elected. Who was sworn into office by the Hon. Isaac Blackford, and proceeded in the discharge of his duties.

And then the House adjourned until 2 o'clock P. M.

2 o'clock P. M.

The House met pursuant to adjournment.

On motion of Mr. Read of D. and M.

Resolved, That the Senate be informed that the House of Representatives have met, formed a quorum, and elected Harbin H. Moore Speaker, Henry P. Thornton Principal Clerk, J. F. D. Lanier Assistant Clerk, Austin W. Morris Enrolling Clerk, and Thomas White Door-keeper, and are now ready to proceed to Legislative business.

On motion of Mr. Stevens,

Resolved, That the rules and joint rules which were adopted at the last session of the General Assembly of the State of Indiana, by the House of Representatives, for their government, be and the same are hereby adopted for the Government of the House of Representatives, during the present session, and that the Clerk furnish the public printer with a copy of said rules and joint rules, and direct him to print immediately, one hundred copies thereof, for the use of the members.

Resolved, That the Clerk inform the Senate of the adoption of these joint rules, and request the adoption of the same on their part.

Eliphalet Allen, member from the counties of Park and Vermillion appeared, presented his credentials, was sworn into office by the Hon. Isaac Blackford, and took his seat.

Nathaniel Huntington, member from the county of Vigo, appeared, presented his credentials, was sworn into office by the Hon. Isaac Blackford, and took his seat.

On motion of Mr. Percy,

Resolved, That the Secretary of State furnish thirty copies of the Journals of this House of the last year, and thirty copies of the revised code of this State, and the same number of copies of the laws of each succeeding year, for the use of the members of this House.

On motion of Mr. Read of D. and M.

Resolved, That a committee be appointed by the House of Representatives, to act with a similar committee to be appointed on the part of the Senate, to wait upon his Excellency the Governor, and inform him that a quorum of both Houses of the General Assembly have met, have elected their officers, and are now ready to receive any communication he may be pleased to make to them, and learn of him at what time he will make such communica-

tion. That the Senate be informed thereof, and a similar committee on their part requested.

The Speaker then appointed Messrs. Read of D. and M. and Stapp, a committee in pursuance of said resolution.

On motion of Mr. Irwin,

Resolved, That a committee be appointed to wait on the Rev. George Bush, and request his attendance in the Hall of the House of Representatives, on to-morrow morning, at 9 o'clock, to open the session by solemn prayer. And that the Senate be informed thereof, and their attendance requested, that seats be provided for them on the right of the Speaker's Chair.

The Speaker then appointed Messrs. Irwin and Veatch a committee in pursuance of the last named resolution.

And then the House adjourned until to-morrow morning 9 o'clock.

TUESDAY MORNING, DECEMBER 4th, 1827.

The House met pursuant to adjournment.

The Speaker announced the following as the order of business to be observed by this House during the present session, until changed by the same, to wit:—

1. Reading the Journals of the preceding day.
2. Petitions, memorials and remonstrances.
3. Reports from standing committees in the following order. 1. On Elections. 2. On Ways and Means. 3. On the Judiciary. 4. On Education.—
5. On Military Affairs. 6. On the State Prison. 7. On Claims. 8. On Roads. 9. On Canals and Internal Improvements.

4. Reports from select committees, (except the

committee of Enrolled Bills, which may report at any time.)

5. Resolutions of this House.

6. Joint Resolutions.

7. Bills.

8. Orders of the day.

The Speaker then appointed the following standing committees, to wit:—

1. A committee of Elections, Messrs. Read of D. and M. Annable, M'Pheeters, Reid of F. and Veatch.

2. A committee of Ways and Means, Messrs. Clendenin, Johnson of P. Lomax, Little, Hendricks, Wilson and Graham.

3. A committee on the Judiciary, Messrs. Stevens, Howk, M'Kinney, Stapp, Craig, Judah and Adams.

4. A committee on Education, Messrs. Howk, Bassett, Pabody, Slaughter and Watts.

5. A committee on Military Affairs, Messrs. Stapp, Wilson, Marshall, Lemon, Decoursey and Spann.

6th. A committee on the affairs of the State Prison, Messrs. Claypool, Brown, Jones, Matlock, Stevens and Blair.

7. A committee on the affairs of the town of Indianapolis, Messrs. De Pauw, Kinnard, Irwin, Allen, Percy and Baird.

8 A committee on Claims, Messrs. Boon, Elliott, Steele, Work, Campbell and Craig.

9. A committee on Roads, Messrs. Jackson, Long, Roberts, Wallace, Smiley and M'Clure.

10. A committee on Canals and Internal Improvements, Messrs. Levenworth, Huntington, Newell, Lewis, Pollock, Worth Johnson of R. and Judah.

The Speaker laid before the House reports of the Trustees of the Seminary funds of the following counties, to wit: Monroe, Dearborn and Crawford, which were referred to the committee on Education.

Mr. Steele presented a petition of Andrew Hindman of Union County, praying that the seat of William Lewis who has been returned one of the mem-

bers of this House from said county, may be vacated, and that he may be permitted to take the same as the representative elect in his stead, which was referred to the committee of Elections.

Mr. De Pauw presented a petition of Levi Wright and others of Washington and Clark counties, praying that Commissioners may be appointed to run and mark a line between said counties, so as to include Goss' settlement in the county of Washington, which was referred to a select committee of Messrs. De Pauw, Little, Marshall, Irwin and Lemon.

Mr. Adams presented a petition of Norman W. Pierce and others, of Green county, praying a repeal of the act of last session, (so far as the same relates to Green county,) on the subject of working roads and highways, which applied to the counties of Green, Washington and Bartholomew. And also a remonstrance of John O. Neal and others against the repeal of said law.

Mr. Adams moved to refer said petition and remonstrance to a select committee; which was decided in the negative.

And on motion of Mr. Stevens, the same were referred to the committee on roads.

On motion of Mr. Marshall,

Mr. Adams was added to the committee on roads.

On motion of Mr. Lomax,

Mr. Steele was added to the committee on Military Affairs.

Mr. Boon presented a petition of General W. Johnston and others, citizens of Knox and Sullivan counties, praying a revival of the act of 1814, for the relief of such persons as have or may be sufferers by the loss of the records of the county of Knox, which were consumed by fire; which was referred to the Judiciary committee.

Mr. Worth presented a petition of Ruth Lee, (widow of Samuel Lee deceased,) and others, of Wayne county, praying the passage of a law to au-

thorize the Administrator of said estate to convey to David Willis certain real estate, which had been sold to said Willis by said Lee in his lifetime.

Mr. Worth moved to refer the same to a select committee; which was decided in the negative.

The petition was then referred to the committee on the Judiciary.

A message from the Senate by Mr. Farnham, their Assistant Secretary.

Mr. Speaker,

The Senate has adopted the following resolution:

Resolved, That the House of Representatives be informed that the Senate have convened, formed a quorum, elected James Dill Secretary, John H. Farnham Assistant Secretary, and Charles I. Hand Doorkeeper, and are now ready to proceed to Legislative business.

On motion of Mr. M'Kinney,

Resolved, That Messrs. Smith and Bolton be admitted on the floor of this House as reporters of the proceedings thereof, and that they be permitted to have access to the Journals whenever it shall be convenient for the Clerk's to admit such access.

On motion of Mr. De Pauw,

Resolved, That a committee be appointed to enquire into the expediency of memorializing Congress in behalf of debtors to the General Government for public lands, with leave to report by memorial or otherwise.

The Speaker then appointed Messrs. De Pauw, Howk, M'Kinney and Huntington a committee in pursuance of said resolution.

A message from the Senate by Mr. Farnham their Assistant Secretary.

Mr. Speaker,

The Senate have adopted the following resolution:

Resolved, That the Senate accept the invitation

of the House of Representatives, to unite with them in opening the session by solemn prayer.

On motion of Mr. Worth,

Resolved, That a committee of two be appointed on the part of this House, as a committee on Enrolled Bills, to act with a similar committee to be appointed on the part of the Senate.

Ordered, That Messrs. Worth and Marshall be the committee on the part of this House: And

Ordered, That the Clerk inform the Senate thereof.

The committee appointed for that purpose, came in with the Rev. Geo. Bush, who took his seat by the Speaker, and the Senate came down into the Hall of the House of Representatives, and took their seats on the right of the Speaker's Chair; the President of the Senate on the right of the Speaker. The Rev. Mr. Bush then rose and addressed the Throne of Grace in a solemn and impressive manner. After which, the Senate retired to their Chamber.

The Speaker laid before the House several documents relative to the contested election of William Lewis, who was returned one of the members elect of this House, from Union county; which were referred to the committee of Elections.

Mr. Brown also presented several affidavits and other documents relating to said contested election, and also the certificate of the Clerk of Union county on the same subject; which were also referred to the committee of elections.

Mr. Huntington presented the following resolution for the consideration of the House:

Resolved, That a select committee be appointed to enquire into the propriety of instructing our representatives in Congress to procure a repeal of the duty on imported salt; and that the committee have leave to report by memorial or otherwise.

Mr. Graham moved to amend said resolution so as

to make the same relate only to the duty on Turk Island salt; which was carried in the affirmative.

On the question being put on the adoption of said resolution as amended; the same was decided in the negative.

On motion of Mr. Adams,

Resolved, That a select committee be appointed to ascertain whether the county of Owen has been reduced below its constitutional limits, by the formation of the County of Clay, and if it has, to report to this House the number of square miles said county of Owen has been reduced.

Ordered, That Messrs. Adams, Percy, Little and Graham be that committee.

A message from the Senate by Mr. Farnham, their Assistant Secretary.

Mr. Speaker,

The Senate have adopted the following resolution:

Resolved, That a committee be appointed on the part of the Senate, to act with a similar committee that may be appointed on the part of the House of Representatives, to wait on his Excellency the Governor, and inform him that both houses of the General Assembly have been organized, and are ready to proceed to Legislative business, and to enquire of him whether he has any communication to make to the Legislature, and at what time and place he will please to make the same; that the House of Representatives be informed of the adoption of this resolution, and a similar one on their part requested: That Messrs. Gregory and Ewing have been appointed a committee on the part of the Senate.

On motion of Mr. Adams,

Resolved, That a select committee be appointed to ascertain and report to this house the unfinished business (if any) of this house at the last session.

Ordered, That Messrs. Adams, Stevens and De Pauw be that committee.

Mr. Stapp from the joint committee appointed to wait on his Excellency the Governor, and inform him that quorums of the two houses have assembled, and that they are ready to receive any communications he may be pleased to make, reported, that the committee had performed the duties of their appointment, and that the Governor answered, that he would make a communication in person in the Hall of the House of Representatives on this day at 2 o'clock in the afternoon.

And then the house adjourned until 2 o'clock P. M.

2 o'clock P. M.

The house met pursuant to adjournment.

On motion of Mr. Claypool,

Resolved, That Messrs. Douglass and Maguire be admitted on the floor of this house as reporters of its proceedings, and that they be permitted to have access to the Journals of the house when convenient to the Clerk's to admit such access.

On motion of Mr. Read of D. and M.

Resolved, That the Senate be invited to attend immediately in the Hall of the House of Representatives to receive the message of his Excellency the Governor, and that seats will be provided for them on the right of the Speaker's Chair.

Ordered, That the Clerk inform the Senate thereof.

A message from the Senate by Mr. Farnham their Assistant Secretary.

Mr. Speaker,

The Senate have adopted the following resolution:

Resolved, That the joint rules for conducting business between the two houses of the General Assembly, adopted at the last session thereof, be adopted on the part of the Senate during the present session, that the House of Representatives be informed thereof.

The Senate came down from their Chamber, and took the seats assigned them on the right of the Speaker's Chair in the Hall of the House of Representatives; the President of the Senate on the right of the Speaker; his Excellency the Governor came in, attended by the joint committee appointed to wait upon him, and in person, in the presence of both houses of the General Assembly, delivered the following

MESSAGE;

Gentlemen of the Senate,

And of the House of Representatives:

ON our assemblage as the servants of the people, and after an exchange of the customary salutations, let us cordially congratulate each other, that the last political year, has crowned with the most signal success the highest interests of our fellow citizens. To that *Being* in whose hands the destinies of Nations are, we next owe the offer of our thanks, upon the altar of gratitude, for the unmerited blessings which He has tendered to felicitate our condition, resolving not to abate our most fervent aspirations for their continuance.

Our yeomanry, aided by a fruitful season, have extracted from the soil by well directed industry, every substantial necessary plentifully, and in that rich variety which our choice climate affords. To this may be added the welcome intelligence from each part of the state, that our inhabitants have been favored with a greater portion of health in the aggregate than they have for past years, giving us full evidence that our already acknowledged healthful country, is still improving in this inestimable enjoyment. At a time of profound peace and without any prospect of a rupture with any of those powers with whom the United States have relations, inhabiting a country possessing superior natural advantages to most others, and increasing in numbers with a rapidity which clearly foretells our brilliant destiny, what is more natural, than that the attention of those whose whole interest is identified with their countries, and whose affections are fixed on its glory, should be principally directed in laying that foundation upon which the present generation may build their own, and their posterity's permanent prosperity?

When we bring in review before us, the successive currents of emigration, which annually penetrate the deep recesses of the Western forest; when we behold the generous efforts of the enlightened Statesman and Philanthropist, for the establishment of primary and higher schools, that education may be equal and universal; when we witness the enterprize and industry of the people, their morality and order, the conclusion follows, that all the essential elements are concentrating to prosecute and consummate the great design of the social compact.

The acting population of Indiana being constituted principally by emigrants from each of the twenty-four state sovereignties, with a small number from most of the Christian powers of Europe, and possessing those prejudices and opinions concerning government and law, imbibed in early life, from those distinctive circumstances which surround separate communities, it is perfectly natural to expect, at present, an indescribable diversity of sentiment upon every project or regulation which may be submitted by those in authority, for consideration. To govern, or legislate for such a discordant body politick at once, to the satisfaction of *all*, is what the ablest lawgivers of Greece or Rome would not dream of effecting, were they present.— We may aim, as we ought, to make public opinion our guide in matters of expediency, but it will be for the statesman of some future age to shape the law which will be executed upon our whole society, without any indication of discontent. Then, if this is so, and we cannot change it, let us begin our task, and under the circumstances, make our best exertion in sincerity and honesty, and with all our ability for the general interest of those who have employed us.

Before I proceed to lay before you those subjects, which under the constitution I feel myself bound to submit, allow me in the name of the people, whose government this is, to request most solemnly, that during this session, those highly interesting and important matters upon which we must act conjointly, may claim your *whole* attention. If nothing should obtrude itself upon your notice but legitimate subjects of legislation, then, we shall find at the end of your labors, that reason, the soul of all good legislation, will have triumphed. Whoever attempts to hoist the standard of party, in or out of your body, tending to make principle subservient to political calculation and management, should be viewed as aiming a fatal blow at the public tranquility. If it is kept in mind, that party is the folly and madness of *many* for the benefit of a *few*, it will have but a small number of votaries.

At no period since the organization of our state government,

have topics arisen of such vast concern and deep interest for legislative deliberation, as those upon which the members of the present session will be called upon to act. Questions of such great moment, and involving so much difficulty, responsibility and perplexity, as those alluded to, require the most calm, disinterested and intense reflection. The public eye is fixed upon the proceedings of this General Assembly, and it is expected that each member will do his duty, laying aside every extrinsic consideration.

Within the space of the last fifteen months, public lands have been granted to the state of Indiana, through the instrumentality of her public functionaries, estimated to be worth about one million, two hundred and fifty thousand dollars, free of cost, for special purposes. The objects and terms of those immense grants, may be seen by a reference to the two treaties made in the fall of the year 1826, with the Miami and Potawatamie nations of Indians; and two acts of the last Congress of the United States, now in the Secretary's office, which will be laid before you. It is believed that the most sanguine politician, will be unable to point to any combination of circumstances, which will again place under the control of the state, *in the same time*, and perhaps not for half a century—perhaps never, such extensive and valuable resources, for prosecuting a grand system of internal improvement to a successful termination, and for the ultimate production of a revenue that shall relieve our fellow citizens from taxation. Legislatures that have formerly sat, have been engaged in theoretical disquisitions into the expediency of making considerable commercial improvements in the interior of the state; but not having the means within their grasp, which alone can give vitality and certainty to such gigantic undertakings as were conceived, no decisive step has yet been taken. What has been said and done, having but little other effect than to invite discussion, and enliven the public mind to its best interests, the honor seems to have been reserved to the representatives of the people, now present, to act efficiently in relation to those public works, of which the highest expectations are entertained.

A tract of land, five miles in width, and in length the whole distance of a survey now making by a brigade of United States² engineers, commencing at the mouth of Tippecanoe river, and running northeast along the valley of the Wabash and its tributaries, to Fort Wayne; thence down the Maumée of the Lake, to the mouth of the Auglaize river, or lower, a distance of about one hundred and sixty miles, is granted to this state, for the purpose of making a *Canal*, to connect the waters of the Wa-

Wabash with Lake Erie—and the Miami treaty provides for its location through *all* the Indian reservations. Another tract of land has been obtained by treaty with the Potawatamie Indians, during the fall of 1826, and since ratified by the Senate, equal to one section of *good land*, for each mile of the *whole* distance, from Lake Michigan to some convenient point on the Ohio river, *to make a turnpike road*. These two grants are placed under the absolute control of the Indiana Legislature, for the purposes above mentioned. The road grant is without condition. The canal grant, though subject to certain conditions, presents nothing in them that ought reasonably to make your body hesitate to adopt that course, which will most certainly secure it from the contingencies, which the lapse of time, unimproved, must attach to it.

Since the recent survey and examination of this long contemplated line of internal communication, to connect the waters of the Lakes and the Wabash leave no doubt of its practicability; and it being in our power to avail ourselves of the splendid donation which has been proffered to us by the liberal hand of the General Government, the success of such a very valuable facility, should not be looked upon as any longer problemical. By a letter from Mr. Moore the engineer, engaged in this business, which will be submitted, you will perceive that the whole of this survey, will not be completed this fall, in consequence of sickness. The distance from the *summit* near Fort Wayne to the mouth of Tippecanoe river, that part of the survey which is completed, is one hundred and three and an half miles. The lockage, two hundred and twenty two feet.

This may be all the estimate we shall have before us at this session. No data is furnished as to the cost. But, most of the enterprizes for inland navigation in the U. S. finding their origin in the New York Canals, we may look to their successful execution and demonstrated utility, for information and reasons to sustain us in making the adventure, which we are now called upon imperiously to make. Estimates of Canals have been made for a variety of widths and depths, and on almost every kind of surface, both in Europe and in America; so that the Legislator may form an idea of the expense of almost any imaginary route. The profits of Canal stocks, judiciously invested in England, doubtlessly suggested to the Americans, the transportation of whose productions constitute their greatest burthen, the idea of a similar policy. In deciding upon these great undertakings, it will not do to test them by a too penurious calculation of dollars and cents. Should the expense of our Wabash Canal exceed a million of dollars, it must be recollected, that we have under our controul means to that a-

amount. If the profits of the Canal, when finished, shall produce the interest of whatever additional sum is required, and enough besides to extinguish that principal gradually, the credit of the state must remain unshaken by a loan. It is said by the most confidential writers, that all of the three hundred British Canals, have given satisfaction to the public and the stockholders. Ought we not then to seize upon this opportunity to furnish a memorable demonstration, that we know when and how to act for the general welfare when the occasion demands it? Prompt and decisive steps towards the commencement of this work on your part, will furnish the most unequivocal evidence, that you are not indifferent to the great *agricultural, manufacturing and commercial interests* which constitute the bone and sinew of society. Public men must be brave, and not suffer intimidation by the *probable* consequences that may arise out of "the chapter of accidents."

If you conclude to accept of this grant, as you certainly ought, the principal question which must next arise, will be: When and how shall it be disposed of? How appropriated, and to what objects?

The first proposition resolves into two others, as follows: Is it better to sell the land now, or at a subsequent time? Shall it be sold for cash in hand, or on a credit? After examining this subject carefully, I have become satisfied that it would be impolitic to require a sale of these lands, at any period prior to the completion of whatever improvement may be agreed upon. And that when the auspicious time arrives for selling, that the door to future difficulties should be closed, by requiring prompt payment. Were you to authorise a sale on a credit, before the Canal is completed, with the view of raising the necessary means, many years must elapse, and much of the peoples money will be expended, in legislating on relief applications, in addition to the expense of a land office, before a fund will be raised, adequate to the proposed undertaking. Besides, retarding the work, is jeopardizing the grant, for the time is limited for its completion. Were you to offer the land for ready money, it would be inevitably subjected to a wasteful sacrifice; so great, in all probability, as to defeat the project altogether, by its not producing the sum of money *required or expected*. Hence, it follows, that a loan, should be resorted to as the least doubtful expedient, or, if that will not be acceptable, you might authorise an issue of paper, redeemable in the land at a minimum price, after it shall have been offered for sale.

When it is considered, that this land lies upon each side of the proposed Canal, you surely cannot remain long unpenguerated with the belief, that the difference in the amount of sales

before and after its completion, will not greatly exceed any sum of interest, which may accrue on a borrowed principal. Interest ought not to be paid more than two years, which would be ten per centum on a given sum, whilst the presumption is strong, that the land would be increased in value, by the commercial advantages which would be appended to it, at the finishing of the work, more than an hundred per cent. The most solemn acts of legislation, will not supply the place of imposing reality; for the alarming idea of uncertainty will have its influence until active operations are commenced on the channel.

The treasury is the proper depository of the public money, requiring an additional bond of its officer. No question, however, can now arise, as to the safe keeping of the *proceed*, except you dispose of the land very differently, from what I believe you will.

The object to which the proceeds of the said land *must* be appropriated, according to the terms of the act of Congress making the cession to the state, *is a canal*. Whether this gratuity can be made by the best management, to produce a fund equal to the estimate for a Canal, is very uncertain. If the act had given to the state the privilege, to make use of the land, to construct either a Railway or a Canal, it could not be questioned that it would be altogether adequate to the finishing the one, though it might fall short as to the other. Railways, are rapidly bearing away the palm of usefulness, from actual experiment, from all other commercial facilities. In latitudes as far north as the valley of the Wabash, their equal utility at least, may be fully illustrated. Their cost for the same distances, and constructed on the same natural surface, would be, in this country, about half that of a Canal. Equal burdens to any that can be asported on a Canal may be transported on them, and with *double* the velocity of which the former is susceptible. During the season at which a Canal is closed up with ice, the Railway is fit for use. The Canal is often the harbinger of disease, engendered by the frequent overcharges of water, that escapes and forms reservoirs, and there becomes a stagnant pool; whilst Railways, are exempt from this disadvantage. There being perishable materials in both, the one is not perhaps more apt to get out of repair than the other. Freight being proportioned to the cost, would be less on the Railway than the Canal. In connecting seas, lakes or rivers near the tropics, Canals may claim the pre-eminency; but to unite streams which are themselves only a part of the year navigable, the Railway appears to possess much consistency. A Railway would do the whole business—a Canal *could* do no more. The former would bring as much money into the treasury as the latter. It is said

that Congress would not hesitate upon your memorial, to change the act, so as to enable you to adopt the railway, if thought most expedient. Suppose that the grant of land can be made worth a million of dollars: this sum will not make a canal on the late location, but seven hundred thousand dollars will make a railway on it; leaving a surplus of three hundred thousand dollars for some other object. This sum laid out for the construction of another railway, in some populous part of the state, would complete an additional line of seventy miles. If this sum should be appropriated, with a view of enriching the treasury, it is believed that there is no part of Indiana, where it could be more advantageously expended, than in the White Water country, to make a railway from Lawrenceburgh, on the bank of the Ohio river, to a point on the national road, in Wayne county, and as much farther north as the means will carry it, towards Fort Wayne. Whether such improvements are viewed with reference to the markets, which they aim to make accessible to the people, or with reference to the revenue which they would secure to the treasury, they are thought equal to any other in importance. Were this fund thus appropriated, our inhabitants would soon be released from the payment of taxes, for the support of the state government. Three per cent. on the capital invested, would bring into the treasury a sum equal to the revenue of the present year, raised from the people of Indiana.

Were you to conclude that railways are preferable to canals, and not be disposed to appropriate the surplus remaining, after making one from the Wabash to the Lakes, that sum might be advantageously applied, if not prohibited by Congress, to the improvement of the various state roads, now discouraging to the traveller, in certain seasons. It is not my intention, by these remarks, to recommend to you that steps *ought* to be taken, to change the Wabash canal into a railway; but merely to lay the subject, connected with a few remarks, before you for your consideration, *at the special request* of many distinguished citizens of Indiana. No one can be more fully impressed with the belief, than myself, that there exists an obligation upon us to take some prudent step to construct the best work, on the survey now in progress, which will afford an outlet for the *bread* and meat of Indiana, to the northern lakes: and in order that we may determine wisely, what is best calculated to answer the common object we have in view, the *advantages* and *disadvantages* of both these facilities may with propriety, be compared. Our object must be to produce the greatest possible good, with the least possible inconvenience. Whatever will carry the flour, pork, beef, potatoes, and other produc-

tions of our soil to a good market, with the most expedition and the smallest expense, as well as most safely and securely; and return those articles of merchandise which the people must and will have, in the same manner, is what is wanted. If, however, you prefer a Canal, as is most generally and reasonably supposed you will, I will cheerfully devote a portion of my time and services, in co-operation with you, for the furtherance of this project, which has long since had my approbation.

Whatever has been said, as to the course which suggests itself to me as the proper one, with respect to the canal grant, in relation to sale and loan, will apply to the cession to make the Potawatamie road. No pledges which you can give beforehand, will make the land near this road, sell like the finished thoroughfare itself. If my conceptions of the policy are approved of, as the best in the *one* case, they are equally deserving in the other. You will, no doubt, organize a board of commissioners, to be appointed, composed of respectable men, to make the selection of the land ceded for the said road, so soon as it may be surveyed. Provided the present General Assembly fail to make a point on the Ohio river, at which the road shall terminate, the same board, composed of well qualified citizens, might be authorized, by law, to perform this difficult duty, as well as to employ an engineer and surveyor, and make the location to the Lake. A provision in the law, authorizing the board to take such donations as might be offered, into consideration, might be productive of some good, by increasing the capital stock which may be created. Some newspaper essays have appeared, suggesting the propriety of applying to Congress for an additional grant of land, sufficient to make this a railway, upon a cheap and improved plan, which is at least worthy of your notice. I believe, however, that no utopian scheme, which may be brought forward, will find advocates, tending to delay the commencement of the road. Contracts for finishing it, ought not to extend beyond a year, from the time they are entered into; and then let the land be brought into market, to put a period to the payment of interest. Labor enough can be commanded: it is not supposed that any unnecessary delay will take place. It has been said, that contracts might be entered into for the land itself, yet this would be a doubtful policy; but by no means the worst which might be adopted.

It is by virtue of that power exercised by Congress, delegated by several express provisions in the Constitution; and sanctioned by the Administration of the General Government, to

appropriate a portion of the National Treasury, or its sources, to make internal improvements, that this young state has been so *suddenly* placed upon that elevated ground it now occupies, as to ability, to become one of the first stars in the confederacy. And it is strange, that the exercise of a power, in the general dispensation of its blessings, so *just, general and equal*, and as necessary to the national wealth and name and prosperity, as light is to the material world, should meet with the formidable opposition that is arrayed against it. It is somewhat unaccountable that it is so. Is it because the Western and Northern states, by their masterly policy, are leaving their Southern sisters far in the rear, in their march to power? Is it because the *literal construction phalanx*, wish to scatter the public treasury within particular *tide water limits*, to the exclusion of the grain growing states? Do the rays of a southern sun, give that peculiar energy to the intellect, which enable the politicians within particular geographical lines, to take the only correct view of the Constitution? With them, the construction of a light-house is a regulation of commerce; or the gradual increase of the Navy and the erection of expensive harbours, along the sea coast, are provisions for the national defence; but roads and canals running into the interior, though the exchange of exchangeable commodities are greatly multiplied thereby, is neither. Suppose that the Western states were to submit passively to this new construction of the Constitution, or that it should succeed in becoming the rule by which Congressional legislation is hereafter to be governed, may not the inquiry be *gravely* made, of what use will the National Treasury be to them, or one half of the states?

Seven or eight years hence, peace preserved, when the national debt shall have been extinguished, and there are a surplus of fifteen or twenty millions of dollars, to be disposed of, under the several powers in the federal charter, if this power is not sustained, how are these states to claim their just proportion from the Treasury? No other power can be found in that sacred instrument, which will authorize beneficial legislation for these states. We have no seaboard, consequently cannot obtain the passage of bills by virtue of the conceded powers. Yielding up this vital principle to this country, if a Western member introduces a bill for a road or a canal, he will be at once told that it is unconstitutional. Let us not treat this subject with indifference. *To give up this power, is to break the staff into pieces which supports us.*

Furthermore, it is believed, that we shall not be unmindful of the acknowledged maxim, that labor, and not our gold and sil-

ver or estates, constitute our wealth. This admitted, we shall not cease to venerate that course of conduct, wheresoever found, in public men, which is best calculated to call into requisition, the greatest quantity of productive industry. To do this, encouragement ought to be given to every department of labor, and to none more so, than the enterprising manufacturer, on account of his risque, and his capital employed. The citizens of that country, who cannot exchange the productions of their labor, for all their needful luxuries and necessities, are surely retrograding from national wealth. If this is our condition, let us at once begin to manufacture our necessities, and abandon our luxuries. If the staple commodities of the country will not command our clothing, and other articles we need, the sooner we exchange our taste, and make at home what we want, the better. If it is true, as your intelligence will inform you, that England furnishes us with clothing, and refuses our bread and meat, depend upon it the balance of trade is against us.

Stricklands' Reports, which the last legislature required to be subscribed for, have been received. To the friends of internal improvement, I must be permitted to recommend a careful perusal of this intelligent book. The principles and utility of Railways, Canals, Turnpike roads, &c. with the whole plan of formation, and the machinery used, are therein satisfactorily developed. An investigation of this subject, must awaken and animate you, to labor for the construction of those vital arteries through which public wealth and individual property must flow.

Whether the General Government ought to yield up its sovereignty over the public lands remaining unsold within the limits of the states, is a question which has undergone much able discussion in Congress, and in state Legislatures; and has been noticed in an appropriate manner, by several of the state Executives. Whilst the general sentiment is collecting on so momentous a question to the west, the voice of Indiana should not remain unheard. The history of the American government and her legislation in relation to the public lands, furnish undoubted evidence, that it would not only be *just*, but *wise*, to yield up the public domain to the States, either for *general* or *special* purposes. It would be *just*, because each state ought to be placed on an equal footing, and the original states exercised sovereignty over the unappropriated lands within *their* boundaries, and deposited the proceeds within their Treasuries. It would be *wise*, because the expense of buying, surveying and selling the lands, and the legislation concerning them, reduce their value to an inconsiderable amount, at the Treasury.

Nine tenths of the revenue are derived from duties on imports, and the public lands produce no more than about a twentieth part of the twenty odd millions of dollars, which annually arrive at the United States Treasury. Were the United States to relinquish to each state the quantity of land in it, for the purposes of *free schools* and *internal improvements*, in the state where the lands lie, the power which would be created by the intelligence such potent means would diffuse amongst all classes, and the works of art which would rise in majesty every where, would prove a better defence to the Union, in an hour of struggle, than an hundred thousand armed soldiers. This plan failing the scale of depreciation should be applied.—Lands remaining unsold after being offered, should be annually reduced in price, to the purchasers, under the true presumption that the best lands are first taken. Lands remaining unsold for a sufficient term of time, should then be given to the actual settler, after remaining on them for a defined period.—There are millions of acres in this state, that will not be sold for an age at the present rates, and not liable to taxation; but which would be occupied by the poor as a gift, in preference to tenantry. The government being composed of the people in it, will be strong and effective in proportion to the number of freeholders it contains. Where the citizen, the soldier and the land owner are combined in the same person, you will find him defending his pass against the encroachments of an enemy like Leonidas at Thermopolæ.

Many views are taken with respect to the situation of the *sold* unpatented lands. Nearly all agree, that something should be done to avert the unjust and unhappy consequences, which must result in time from a continuance of the present arrangement. The amount of debt due for public lands in the Western country, is truly discouraging, and evidently out measures the ability of the people to discharge it. It cannot be denied, but what the government has indulged the purchaser already, by giving time, to the advantage of many; but there are thousands who have taken advantage of the tendered credit, who will still be unable to comply with its conditions. The same liberal sentiment, which has once given an extension of credit to land debtors, will surely take delight in a repetition of the good deed, if actual necessity demands it. And I have yet to hear the reason advanced, to justify the United States, acting on the principles of moral honesty, in ever receiving another forfeiture of the lands sold, for want of payment, which have been taken possession of by the actual settler. Reasons also less cogent, may be offered why forfeitures should not be ex-

acted of any class of purchasers. The entries of those very lands, which now stand on the relief list, were made at a time when the whole monied concerns of the continent were a splendid delusion. These things took place in the *paper age*, when the country was literally inundated with a fictitious circulating medium, which every state in the Union contributed more or less to put into circulation. Forty odd Banks were incorporated in some states, at a single session of their Assemblies; and bank bills were flying through the land, like locusts of olden time. All who wished, could handle enough of them to enter one or more quarter sections of land, not looking for a failure in the paper, or a change of times. The United States, too, contributed their share largely at first, to give credit to this currency, by making it receivable at their land offices. Many thousand quarter sections were entered, with that bank paper, which are now unpaid for. When the Banks failed, the government stopped the receipt of their paper for land and demanded specie or its equivalent. The war also, connected with the Banks, left upon the people a spell, from which they did not recover for years afterwards.

Markets were then good, and prices for the productions of the soil were high. Every thing combined to make the citizen fix a false estimate upon real estate. But the picture is now turned. We have no armies to feed. The great mass of our population have become agriculturalists. Production greatly exceeds consumption. There are no extraordinary armies in Europe to supply. And the staples of our country, *bread* and *meat* are excluded therefrom by prohibitions and restrictions. The inhabitants of the cities of the two Americas, and the manufactories of the northern, are the principal consumers.— These very land debtors, have also, been the pioneers of a country unimproved by roads and canals, and have been subjected to continuous risks, sacrifices and expenses, to convert their labor into money. They have by their prowess forced the savage to bury the tomahawk, and confronted danger and difficulty in all their most distressing forms; and have opened the path which now conducts the steps of the emigrant, in quiet and safety, into the Egypt of America. A flourishing and rival neighbor the Mexican Government, is also offering her lands to actual settlers, distinguishing not between alien or denizen.— These considerations with many other reasons, which might be urged, ought forever to banish from the councils of our country, the idea of taking the poor man's home, with the labor of his better days, as a forfeiture, for no other crime than that of penury. Congress may at once get rid of this troublesome subject by an effectual display of that magnanimity, which

has always characterized that body. In all cases where eighty dollars have been paid as the entrance money of a quarter section, let them order a patent to issue for eighty acres of land. Two payments at this rate, would entitle the holder of a certificate to a quarter section. It does appear forcibly, that the circumstances under which the unpaid for lands were purchased, justice and policy all concur in requiring that much, at least at the hands of the General Government. If you think with me, speak to the Nation your sentiments on these matters.

The Surveyor General has just completed the survey of the boundary line between this state and the Territory of Michigan, according to an act of the last Congress, to the full extent of our claims. The boundary is fixed ten miles north of the southern extreme of Lake Michigan, giving to Indiana, upwards of fifty miles of territory bordering on it.

A communication which I have in my possession, from Col. Bomford, of the Engineer Department, at Pittsburgh, shews that this state has received arms and equipments, equal to eighty four muskets *more* than her returns entitle her. It may here be proper to observe, that, that Department has given me notice, that no one but the Executive of the state, is hereafter authorized to draw and receipt for our quota of arms, &c.

Due attention has not been paid to making returns to the state Adjutant General's office by militia officers, which has kept our quota of Arms below our real strength. And the last General Assembly, inadvertently repealed the muster at which it was the duty of Company officers to make their returns, which occasions an additional cause of failure for this year. If the Commander in Chief, or the Adjutant General, were authorised to make the Annual return, according to the best information they could acquire, we would not, in future, suffer the usual loss of arms.

Though a well organised militia is the strong arm of the National defence, and the shield of our liberty, but little state Legislation has taken place respecting it, under the conviction that Congress is the proper body to build up an effective and general system for its discipline and government. That body has this power expressly given to it by the Constitution, reserving to the states the right of appointing *all* the officers and the authority of training. A sage maxim that uniformity, is the glory of this system, induced this delegation of power to the Federal Legislature. The Secretary of War, in obedience to an act of Congress, has been diligently arranging a system of tactics, predicated upon the public sentiment, and most congenial to our institutions, which an extensive correspondence has made quite manifest. The most important feature in this new

system is, that which proposes to divide the militia into two classes, *active* and *sedentary*.

Experience has tested the fallacy of requiring the whole body of the militia in the United States, to perform actual services each year. And the two hundred thousand dollars, which are annually appropriated for arming and equipping the militia of the states, will never accomplish the design of its expenditure, for the increase of *militia men* far exceeds the number of persons furnished annually. This system proposes to raise a volunteer corps, in each state, in proportion to its population, who are to be armed and equipped completely. By this means but a small number, compared to the whole body of the militia, will be enrolled for actual service, and *none* but those who take a pride in serving their country, in arms. The sedentary will be called into service, if required, in times of trouble. Such an arrangement, will leave the *active Militia* without excuse in the performance of their duty, and will enable us to present a line, in the day of battle, which will be as terrible, in appearance, as it will be *willing* to handle the instruments of War. As a consequence, the *conscientious*, will be exempt in times of peace from duty, penalties, or equivalents, the active corps being voluntary. This bears no similitude to a standing army, for the soldier is a local citizen, and the officer is appointed by the authority of the states; and no change is effected in the domicile of either. A "*Military Chieftain*," can neither command or corrupt it. It is expected that the officers and soldiers in the *active* militia will be paid for the few days they are in service, learning their duty, each year, and provisions furnished them with tents and camp equipage.

The cost of a military establishment, like the above, is thought to be the least expensive of any other. You will no doubt notice the letter of the Secretary of War, on this subject, to be found among the unfinished business of the last session, in a proper manner.

The board of visitors to the Bloomington Seminary, sat there, for the first time, on the first Thursday of the last month. They witnessed, with special satisfaction, the examination of the students, in the various branches of science and literature, to which their attention had been devoted by their able instructors. The proficiency to which many scholars had attained in the Latin and Greek languages, and in the Mathematics, presented both students and professors in the most favorable light. That portion of Seminary lands, which was sold in Monroe and Gibson counties, brought a fair price, producing near thirty thousand dollars. The interest upon this sum, together with the amount due the institution from the

state, will produce an interest of two thousand dollars for its support. All unite in supposing, that the interest on the fund is now sufficient to justify the institution in taking the rank of a college, and to employ a President and other Professors; leaving a sum to be appropriated, each year, to purchase a library and apparatus. Your body is respectfully requested to give the institution a college charter. When all this shall have been accomplished, but little doubt is entertained, that the youth of Indiana can obtain their education at home, without performing an unnatural journey to another state for it. Proper regulations will follow, as a matter of course, so as to enable the poor to enjoy its advantages, as well as the rich.

You are again earnestly requested to proportion punishment to crime, more justly than the existing penal code demands. I must suggest the propriety of no one being punished, by imprisonment in the penitentiary, unless the nature of the offence would require a term of service not less than three years. A distinction between grand and petit larceny, especially, should be drawn. With an expectation that something would be done by this General Assembly, in this particular, no permanent contract has been made with a superintendant of the prison, for its future management. This improvement in the criminal code, will enable the Governor to make a contract much more advantageous to the state, than he can if it remains in its present state. A committee was authorized, during the past summer to examine the penitentiary, and to inquire into its management, who performed their duty, and transmitted to me their report; which will be laid before you, together with a temporary contract with Col. Westover.

The attention of former legislatures, have been called to the propriety of improving the navigation of the two White Rivers. The number of boats which have descended these streams in safety, loaded for New Orleans, leaves no doubt as to the propriety of paying particular attention to them, as very valuable auxiliaries to the southern trader. A few hundred dollars annually appropriated for the purpose of cutting out sawyers, and removing some piles of drift, would very soon make their navigation for descending boats, in common rises of water, as safe as any one could desire or expect. The White River countries are beginning to produce a considerable surplus for exportation; which make it necessary that they should not be overlooked, whilst we are improving the navigation in other parts.

The permanent location of the National Road, has been completed this season, as far westward as the line dividing In-

diana from Illinois. We shall look to the completion of this road with much anxiety, until it is finished. It has already occasioned the germs of towns, and farms are opening near it, upon the faith that no circumstance will occur to discontinue its progress. The passage of the bill before Congress, to remove the timber, as a preparatory step, is not less wise than politic.

The fate of a memorial to Congress of the last General Assembly, to sell the school sections, is not yet determined. As it is most probable that we shall not hear from it in time to act at this session, nothing will be said illustrative of that system of education, which appears to be dictated by the best experience, and supported by the strongest reasons; whenever this subject becomes a topic of legislation, however, I hope the voice of history and the tested theories of other governments will be noted; and that particular reference may be had to the improvement of the *head, the heart and the body*.

At the expiration of about two years, it will be necessary either to republish the present revised code, or one on an improved plan. The demand for those on hand is great, and the number of new counties organizing, and the increase of officers, will in that time, take the few that remain. Anticipating the necessity which must arise, it is my intention to present to a future Legislature, a code of laws, both *civil* and *criminal*, for its consideration. In taking this step, the responsibility and cost will be on me. If, upon examination, it is believed to be an improvement upon our present volume, after undergoing the ordeal of legislation, and consequently the strictest scrutiny, it will become law. No liberal suspicion can be entertained that my object is dictation, when it is remembered that the Constitution gives this power to the Governor. He can either recommend the passage of a single law, or the adoption of an entire code. Whilst attempting to execute a work of this magnitude, I would be regardless of my own reputation, the greater honor of the state, and the still greater interest of the governed, were I not to avail myself of the advice of the first talents in the state. The greatest imperfection of the existing revised code is, that it contains but little, compared to the multiplicity of useful provisions which might be incorporated in a book of its kind. Codification, commensurate with all the multifarious concerns of mankind, in which is to be found a remedy for every wrong, with a practical mode prescribed for seeking redress, so as *at once* to dispense with the common law, cannot be expected. But whilst this admission is made, I must be allowed my opinion, that principles of law enough might be selected, simplified, and written in a statute book, to enable the people generally, to form a tolerable cor-

fect idea of that system of jurisprudence which controuls their actions. And if the code contains wholesome provisions, it need not be asked whether they were original or borrowed from the beautiful maxims of the common law, the civil law, the Napoleon or the Livingston codes, than the last of which will none other contribute more abundantly to swell its pages with its sage precepts. This code does immortal honor to the distinguished luminary who penned it, and may, with proper modifications, be adopted by any state. Should we succeed in getting a code as replete with matter as this one is, the common law of England, and the British statutes made in aid of it, which have been declared in force in this state, may be abandoned as *obligatory*, in most cases, and made use of only as authority. Or, as it is not contended that a single effort can reduce all the unwritten to written laws, so as to embrace every possible case, or that the mind of any finite creature, can grasp at enough for the infinitude of human acts, the common law might be continued in force in all cases not within the perview of the code. The advantages such a code will afford, will be, to enable the governed to know what the law is, and to have it in their power to acquire that knowledge without much trouble or expense. This is not now the case, nor will it ever be, so long as several thousand books of reports and elementary treatises must be read, to arrive at a full knowledge of the laws. A code may contain principles so epitomized, that a single sentence would give that information, relative to the common transactions of the world, which the labor of a week in books, would not so clearly establish. The presumption that no code can be suddenly made to comprehend *all* the cases which may occur in a community, as far advanced in civilization as ours, is no argument why we should not *commence* the work of self-government in *reality*, and go as far as we can, leaving the balance for posterity to do. As long as one country tamely submits to be governed by the laws and customs of another, it is not entirely free. Half a century has passed away since the declaration of our independence, and British laws still govern us. The earlier we commence shaking off this disreputable stigma upon the intelligence and capability of our countrymen, the sooner we shall be prepared to resort to the common law of England, as a body of philosophy, and hang it up only as a lamp in the land; and to resolve that no system, however grand and beautiful in all its symmetry and parts, which must remain a mystery to the multitude, and as inaccessible to it as the laws of Caligula, shall be the rule by which the conduct of *all* shall be squared. I shall hope that gentlemen of the bar will not suppose, that this at-

tempt to promulgate the laws of the land, will be aimed at their *useful* profession, or condemn its practicability, until they see the book.

The *sales* and *entries* of lots in the town of Indianapolis, authorized by an act of the last session, from May last up to this time, amount to twelve thousand three hundred and seventy-four dollars.

The treasury is not in as good a condition as it was last year, on account of the reduction of taxes, which was authorized by the last session. The assessments of the past year, will not exceed thirty-three thousand dollars; of which it is not probable that more than twenty-seven thousand will be paid into the treasury, the balance being required for commission, delinquencies, mileage and advertising. An old balance in the treasury of \$19,234, as reported to me by the treasurer on the 31st of Dec. last, added to the sum of \$27,000, supposed to arrive at the treasury of this year's revenue, will make the sum of \$46,234 for the service of the current year, except the amounts paid out since the said 31st of Dec. last, which the treasurer has not reported to me. The ordinary expenses of the present political year, ought not to exceed twenty-seven thousand dollars. In addition to the above, it may be expected that something will be realized from old delinquent lists. Our state debt is extinguished, except what is due the road and canal and seminary funds, which are payable at the pleasure of the state; the amount of which appeared in my last regular communication.

The existing revenue law will produce means enough for the common purposes of government in future. The polls are rapidly increasing, and a large additional quantity of land will be added, this year, to the old source of revenue.

I shall be at all times at my post, ready to co-operate with you, in any measure tending to preserve the Union of the states; public and private prosperity; the just and constitutional powers of the people; the powers of the several departments of the government free from encroachment; civil *liberty* and *equality*, with their original qualifications; the rights of private property, and the sanctity of individual contracts; the exercise of all the legitimate powers delegated to the central and national legislature at Washington; the unrelinquished rights of the states; a proper respect for the acts of those in authority, always tempered by the public sentiment—peace; the unqualified toleration of *religious* and *political* sentiment, without proscription, and the elements of that greatness to which our beloved country is destined, by the Ruler of the Universe, in her majestic march, to arrive at.

JAMES B. RAY.

Mr. Long presented the following resolution for the consideration of the house, to wit:

Resolved, That the message of his Excellency the Governor be committed to a committee of the whole house, and made the order of the day for Thursday next; and that the public printer be requested to print twelve hundred copies of the same, for the use of the members of this house.

Mr. Adams moved to amend said resolution by striking out "twelve" and inserting "fifteen." A division of the question being called for, the question was taken on striking out; which was decided in the negative.

The resolution as proposed by Mr. Long was then adopted by the house.

And then the house adjourned until to-morrow morning 9 o'clock.

WEDNESDAY MORNING, DECEMBER 5, 1827.

The house met pursuant to adjournment.

The Speaker laid before the house the following communication from W. W. Wick, Secretary of State.

Secretary's Office, December, 1827.

The Secretary of State respectfully reports to the General Assembly, that the agents of the public, authorised by law to conclude contracts for the public printing and stationary, and fuel for the use of the present session of the General Assembly, have concluded the following contracts, to wit:

With Messrs Smith and Bolton, of Indianapolis, for the performance of the public printing for the term of three years from, and after the sixth day of October ult. at the following prices, to wit:

Composition at 25 cents per 1000 M's.

Presswork—medium size at 30 cents per token.

Royal size at 35 cents per token.

Folding and stitching at one cent per copy.

Paper of a quality to suit the views of the public agents, at Cincinnati cash prices, and the cost of transportation.

With B. I. Blythe for stationary for the use of the present session of the General Assembly at cost, and with Robert Patterson for fuel at 95 cents per diem.

Respectfully submitted,

WM. W. WICK.

Said communication after being read was referred to the committee of claims.

The Speaker laid before the house reports of the Trustees of Seminary funds, from the following counties, to wit: Pike, Floyd and Montgomery, which were referred to the committee on Education.

Mr. Wilson presented a petition of Henry Hannas and others of Gibson county, praying for and suggesting certain amendments to the law, on the subject of schools; which was referred to the committee on Education.

Mr. Smiley presented a petition of William Williams of Johnson county, praying certain relief, under a contract with William Sanders, commissioner of the state road between Franklin and Indianapolis, and also a petition of Jesse Gifford of the same county on the same subject; which were referred to the committee on roads.

Mr. Spann presented a petition of Middleton Robinson and others of Jefferson county, praying the repeal of that part of the law relative to Mills and Millers, which compels Millers to unload, load and carry in and out the grain of their customers, and also the remonstrance of Thomas Hudson and others, against the repeal of the same; which was referred to the committee on the Judiciary.

Mr. Irwin presented a petition of Philip Sweetser and others of Bartholomew county, praying the passage of a law legalizing certain acts of the associate Judges of said county, whilst sitting as a Probate Court at called or special meetings of the same; was referred to the Judiciary committee.

Mr. Levenworth presented a petition of David Askins and others of Crawford county, praying the appointment of commissioners, with power to relocate the seat of justice of said county, and also a certificate of Elisha Tadlock and others of said county on the same subject, which were referred to a select committee of Messrs. Levenworth, Wilson and Read of D. and M.

Mr. Read of D. and M. from the committee of Elections made the following report, to wit:

The committee on Elections to whom was referred the certificates of election of the returned members of this house, have had the same under consideration, and find the following gentlemen duly elected and entitled to their seats, to wit:

From the county of Wayne, *Abel Lomax, William Elliott, John Jones and William Steele.*

From the county of Dearborn, *Horace Bassett, Ezekiel Jackson, Joel Decoursey and James T. Pollock.*

From the county of Clark, *Isaac Hawk, John M. Lemon and Joseph Work.*

From the county of Washington, *Alexander Little, John De Pauw and Hugh M Pheeters.*

From the county of Harrison, *Harbin H. Moore and James B. Slaughter.*

From the county of Franklin, *John T. McKinney and John Reid.*

From the county of Switzerland, *Stephen C. Stevens and William Campbell.*

From the county of Jefferson, *Milton Stapp and John L. Spann.*

From the county of Orange, *John G. Clendenin*
and *Alexander Wallace*,

From the county of Knox, *Samuel Judah* and
Thomas McClure.

From the county of Fayette, *Newton Claypool*.

From the county of Union, *Thomas Brown*.

From the county of Rush, *William Newell*.

From the county of Decatur, *Thomas Hendricks*.

From the county of Ripley, *Merit S. Craig*.

From the county of Jennings, *Ezra F. Pabody*.

From the county of Marion, *George L. Kinnard*.

From the county of Jackson, *William Marshall*,

From the county of Posey, *Samuel Annable*.

From the county of Scott, *Arthur Watts*.

From the county of Floyd, *John K. Graham*.

From the county of Crawford, *Seth M. Levensworth*.

From the county of Lawrence, *Louis Roberts*.

From the county of Monroe, *Enos Blair*.

From the county of Gibson, *Walter Wilson*.

From the county of Sullivan, *George Boon*.

From the counties of Spencer and Perry, *Isaac Veatch*.

From the counties of Vanderburgh and Warrick,
Charles M. Johnston.

From the counties of Pike and Dubois, *John Johnson*.

From the counties of Daviess and Martin, *James G. Read*.

From the counties of Greene and Owen, *Thomas F. G. Adams*.

From the county of Vigo, *Nathaniel Huntington*.

From the counties of Putnam and Clay, *George Piercy*.

From the counties of Park and Vermillion, *Eliph-
aet Allen*.

From the counties of Montgomery, Fountain and
all the country north of the last named counties,

and north of Vermillion county to the Indian Boundary, *John Beard*.

From the counties of Morgan, Hendricks and all the country north of the last named county to the Wabash river, *Thomas J. Matlock*.

From the counties of Shelby and Johnson, *John Smiley*.

From the counties of Randolph, Allen and all the country lying north of Hamilton and Madison counties to the river Wabash, which is not by law attached to other districts, *Daniel Worth*.

From the counties of Henry, Madison and Hamilton, *Elisha Long*.

From the county of Bartholomew and all the country lying west of the same and east of Monroe, *Benjamin Irwin*.

The committee further report that no certificate of election has been returned from the county of Sullivan, but this committee have received testimony sufficient to induce a belief that George Boon is duly elected, and that said Boon is entitled to his seat.

The committee ask further time to report on the contested election of William Lewis.

Said report was concurred in by the house, and further time is given said committee to report on the contested election of William Lewis.

Mr. Boon presented the following resolution for consideration, to wit:

Resolved, That the public printer be and he is hereby authorised to print 700 copies of the Journals of this House for the use of the members thereof, to be distributed as may be directed by law, and that the Clerk furnish said printers with manuscript copies of said Journals daily as soon after being read as possible.

Mr. Jones moved to amend said resolution by

striking out 700 and inserting 1000, which was decided in the negative.

The resolution as proposed by Mr. Boon was then adopted by the house.

Mr. Brown presented the following resolution for consideration, to wit:

Resolved, That the committee of Elections for this house in any case of contested election shall receive and examine all testimony which either party may think proper to introduce relative to such contest, and report the same if required to this house, together with their decision on such contest.

Mr. Steele moved to amend said resolution by inserting after the word "*contest*" the words following, "which may come within the purview of the points set out in such contest," which was carried in the affirmative.

Mr. Stapp moved further to amend said resolution by striking it out from the word "*resolved*" and inserting the following in lieu thereof, "that in the case of the contested election of William Lewis, the committee of elections be and the same are hereby authorised and directed to receive on the part of the contestor all competent testimony, either written or oral that goes to support the points of contest set forth in the notice, and all testimony on the part of the setting member either written or oral, which may be necessary for his defence," which was carried in the affirmative.

Said resolution was then read as amended and adopted by the house.

Mr. Boon moved to reconsider the vote of yesterday, taken on the resolution proposed by Mr. Huntington, which reads in the words following:

"Resolved, That a select committee be appointed to enquire into the propriety of instructing our Representatives in Congress to procure a repeal of the duty on Turk Island salt, and that said committee

have leave to report by memorial or otherwise; which was carried in the affirmative.

The resolution was then adopted by the house, and Messrs. Huntington, Graham and Judah were appointed a committee in pursuance thereof.

On motion of Mr. Decoursey,

Resolved, That a committee be appointed to enquire into the expediency of instructing our Representatives in Congress to use their influence to procure from the United States one section of land for each county in this state for the better support of the poor, with leave to report by memorial or otherwise.

Ordered, That Messrs. Decoursey, Steele and M^r. Pheeters be the committee in pursuance of said resolution.

Mr. Irwin presented the following resolution for consideration, viz:

Resolved, That it be the privilege of members introducing business into this house, (if referred to a standing committee) to be a member of said committee during the transaction of said business and no longer, and that it shall be the duty of the chairman of said committee to notify such persons of the time and place said business shall be transacted, and that there be no more additions to the standing committees during this session.

On the question to adopt said resolution, the same was decided in the negative.

On motion of Mr. Pabody,

Resolved, That the Judiciary committee be instructed to enquire into the expediency of reporting a bill prescribing a uniform mode of doing county business in the several counties in this state.

And then the house adjourned until to-morrow morning 9 o'clock.

THURSDAY MORNING, DECEMBER 6th, 1827.

The house met pursuant to adjournment.

Mr. McClure presented a petition of Marcellus Withers and others of Knox county, praying authority to change a certain part of the state road leading from the Widow Snyders by the way of the upper ford on flat creek, to Hawkins' ferry on white river, which was referred to the committee on roads.

Mr. Hendricks presented a petition of Moses Ray and others of Shelby county, praying that a certain part of said county may be attached to the county of Decatur, which was referred to a select committee of Messrs. Hendricks, Piercy, Graham and Smiley.

Mr. Read of D. and M. from the committee of elections to whom was referred the petition of Andrew Hindman, contesting the election of William Lewis, made the following report, to wit:

The committee on elections to whom was referred the petition of Andrew Hindman, praying that the seat of William Lewis one of the members returned from the county of Union may be vacated, and that he the said Andrew Hindman may be permitted to take the same, have had the same under consideration, and after examining the documents and evidence are of opinion that the said Hindman has not adduced sufficient evidence to support said contest, and are of opinion that said Lewis is entitled to his seat as a member of this House, and recommend the adoption of the following resolution:

Resolved, That the contest of the election of William Lewis is not supported by sufficient evidence, and that the said William Lewis is entitled to a seat in this house as one of the Representatives from the county of Union.

Said report and resolution being read, the same was concurred in by the house, and Mr. Lewis took his seat accordingly.

Mr. Wallace from the committee on roads to whom was referred the petition and remonstrance of sundry citizens of Green county on that subject, reported a bill to repeal in part an act entitled an act to amend an act for opening and repairing public roads and highways and for other purposes, approved Feb. 12th, 1825, which was read the first time and passed to a second reading to-morrow.

Mr. Stevens from the select committee on the unfinished business of last session, reported as follows:

Mr. Speaker,

The committee to whom was intrusted the examination of the unfinished business of last session have performed that duty, and ask leave to report, that they find the following unfinished business, to wit:

1. A joint resolution relative to so much of the state road from Mauk's ferry to Indianapolis as lies between Franklin and Indianapolis.
2. A bill directing the agent of three per cent fund to pay certain claims.
3. A bill to locate and open a state road from Indianapolis to Lafayette in Tippacanoe county.
4. A bill to establish a state road in the counties therein named.
5. A bill to provide for the survey and location of a canal from Fort Wayne to some point on the Wabash river, north of the mouth of the Tippacanoe river.
6. A bill to provide for the survey of canal routes within the state of Indiana, and to establish a Board of Commissioners on internal improvements.
7. A copy of an act of the state of Illinois on the subject of the navigation of the Wabash river.
8. A bill for the relief of Thomas Wyatt.
9. A joint resolution relative to the names of counties in this state.

10. A bill to authorize the exchange of a part of the territory of the county of Johnson and Morgan.

11. An act legalizing the proceedings of the Trustees of town three north of range two, east in the Jeffersonville district.

12. A bill for ascertaining the value of taxable property,

13. An engrossed bill requiring certain duties to be performed by the Auditor, Secretary and Treasurer.

14. A joint resolution to provide a system for the establishment of primary schools.

15. A bill directing the mode of suing out and prosecuting writs of Habeas Corpus.

16. A bill amendatory to the act entitled an act to regulate the Judicial Circuits, and fix the times of holding courts.

17. A bill to amend the act entitled an act subjecting real and personal estate to execution.

18. A Bill to amend an act entitled an act for the appointment of constables and defining their duties.

19. Two bills relative to crimes and punishments.

20. A bill relative to the election of County and Township officers.

And your committee further report that they have partially examined the foregoing unfinished business, and from the best view they can take of the subject, recommend the adoption of the following resolution, to wit:

Resolved, That the bills and resolutions numbered 1, 2, 3 and 4, be committed to the standing committee on roads; that the bills and resolutions numbered 5, 6 and 7, be committed to the standing committee on canals &c.; that the bills and joint resolutions numbered 9 and 10, be committed to a select committee; that the bill number 8, be indefinitely postponed; that those numbered 11 and 14, be committed to the committee on education;

that those numbered 15, 16, 17, 18, 19 and 20, be committed to the committee on the Judiciary, and that those numbered 12 and 13 be committed to the committee of Ways and Means.

The house concurred in said report, except so far as relates to bills numbered 5 and 8.

Mr. Judah moved to refer bill No. 5 to a select committee, which was decided in the negative.

Said bill was then referred to the committee on canals and internal improvements.

Bill No. 8 was ordered to lie on the table.

Messrs. Judah, Lomax and Pabody were appointed a committee on joint resolution No. 9.

Messrs. Stapp, Reid of F. Decoursey, Smiley and Matlock were appointed a committee on bill No. 10.

On motion of Mr. Read of D. and M.

Resolved, That the Judiciary committee be instructed to enquire into the expediency of so amending the law relative to transacting probate business as to compel Executors and administrators to settle with the court.

Mr. Steele presented the following resolution, to wit:

Resolved, That this house appoint a select committee for the purpose of enquiring into the constitutionality of the Militia law now in force in this state.

On the question to adopt said resolution, the same was decided in the negative.

On motion of Mr. Lomax,

Resolved, That the committee on Military Affairs be instructed to enquire into the expediency of repealing the amendment made to the Militia law at the last session of the General Assembly.

Mr. Adams, from the select committee appointed on that subject, made the following report, to wit:

The select committee to whom was referred the resolution requiring them to ascertain whether the

county of Owen has been reduced under its constitutional limits by the formation of the county of Clay, and if so, to report to this house the number of square miles the said county of Owen has been reduced by leave to report, that they have performed that duty, and from the best information they could obtain at the registers office and elsewhere, it appears to them that the county of Owen has been reduced by the formation of the county of Clay, between 7 and 8 square miles, as the county of Owen contains only 392 or 393 square miles on account of the formation of Clay county.

Mr. Kinnard presented the following resolution to wit:

Resolved, That a select committee be appointed to enquire into the expediency of memorializing Congress on the subject of extending the contemplated Michigan road from the point which may be selected on the Ohio river to the seat of Government of Kentucky, thence through Cumberland Gap to the seat of Government of South Carolina, thence to the city of Charleston in said state; and of setting apart a portion of public land or an equivalent in money for the completion of said road.

The ayes and noes being required by two members on the adoption of said resolution, the same are as follows, to wit:

Those who voted for the adoption of the same are Messrs. Adams, Allen, Baird, Boon, Brown, Campbell, Claypool, Craig, Elliott, Huntington, Irwin, Jones, Judah, Kinnard, Lewis, Lomax, Long, Matlock, M'Clure, M'Kinney, Newell, Pabody, Percy, Read of D. and M. Reid of F. Smiley, Spann, Stapp, Stevens and Moore Speaker.—30

And those who voted in the negative are,

Messrs. Annable Bassett, Blair, Clendenin, Decoursey, De Pauw, Graham, Hendricks, Hawk, Jackson, Johnson of P. Johnston of V. and W. Lemon,

Levenworth, Little, Marshall, M'Pheeters, Pollock, Roberts, Slaughter, Steele, Veatch, Wallace, Watts, Wilson, Work and Worth—27.

And so said resolution was adopted.

Ordered, That Messrs. Kinnard, M'Kinney and Stapp be the committee in pursuance of said resolution.

On motion of Mr. Percy,

Resolved, That the standing committee on roads be instructed to report a bill to this house as soon as practicable, revising the act for opening and repairing public roads and highways, and the several acts in amendment thereto, with such further amendments and provisions as they may deem necessary for the better improvement of public roads and highways.

On motion of Mr. Wilson,

Resolved, That the Judiciary committee be instructed to enquire into the expediency of amending the law relative to Apprentices, so as to make it obligatory on the master to appear before a justice of the peace when required by the proper process.

Mr. Irwin presented the following resolution, to wit:

Resolved, That the Judiciary committee be directed to provide by law, that any Attorney and Counsellor at law, who shall neglect and fail to pay over any money by him as such Attorney and Counsellor at law collected, after having had twenty days notice shall be thereby suspended, and it shall be the duty of the court to execute such law ex officio.

Mr. Craig moved to amend said resolution by striking out *twenty* and inserting *ten*, which was carried in the affirmative.

Mr. Elliott moved to lay said resolution as amended on the table, which was decided in the negative.

The resolution as amended was then adopted by the house.

On motion of Mr. Baird,

Resolved, That the committee on Elections be instructed to enquire into the expediency of providing for the trial of contested elections in all new counties that may hereafter be laid off with leave to report by bill or otherwise.

Mr. M'Clure presented the following resolution, to wit;

Resolved, That the Judiciary committee be instructed to provide by law that Attorneys and Counsellors at law shall give security for the payment of money by them collected.

On the question to adopt said resolution, it was decided in the negative.

On motion of Mr. Campbell,

Resolved, That the Judiciary committee be instructed to enquire into the expediency of providing by law for the disposal of the surplus copies of the laws of the State of Indiana that may remain in the different Clerk's offices in the several counties of this state for county purposes.

Mr. Adams after having obtained leave presented a bill to attach a part of the county of Clay to the county of Owen, which was read the first time, when Mr. Percy moved to reject the same, which was decided in the negative.

Said bill then passed to a second reading to-morrow.

And then the House adjourned until 2 o'clock P. M.

2 o'clock P. M.

The House met pursuant to adjournment.

And then the House adjourned until to-morrow morning 9 o'clock.

FRIDAY MORNING, DECEMBER 7, 1827.

The House met pursuant to adjournment.

Mr. Lemon presented a petition of William D. Wilson and others, and also of Joseph Carr and others, citizens of Clark County, praying that Silver Creek may be declared a public highway from its mouth to Preston's Fork, which was referred to a select committee of Messrs. Lemon, Graham, Slaughter and Howk.

Mr. Veatch presented a petition of John Nunn and others, citizens of Spencer county praying that the road leading from the Ohio river opposite the Yellow Banks to Boonville may be declared a state road, which was referred to the committee on roads.

Mr. Decoursey presented a petition of A. Moore and others citizens of Dearborn county, praying authority may be given to the corporation of the town of Rising-Sun, to raise funds by Lottery to build a Seminary of learning in said town, which was referred to a select committee of Messrs. Decoursey, Bassett and M'Kinney.

The Speaker laid before the House, the following communication and report from Samuel Merrill, Treasurer of State.

SIR—Herewith is transmitted the annual report required from the Treasurer of State, to be laid before the House of Representatives.

I have the honor to be, &c.

S. MERRILL.

H. H. MOORE, *Speaker, &c.*

Treasury Department, Dec. 6, 1827.

In obedience to the directions of the "act concerning the Auditor of Public Accounts, and the Treasurer of State," the following report of receipts and expenditures is respectfully submitted:

Cash on hand, Dec. 1, 1826,

\$5815 55

Receipts from that time to the 1st December, 1827, inclusive—

From the assessments of 1822	\$189 87
“ “ 1823,	29 84
“ “ 1824,	18 37
“ “ 1826,	30,770 77
“ “ 1827,	2,382 06
Assessments by collectors, not previously reported to Auditor	100 35
Penalty from collector of Bartholomew, for 1822	30 16
From E. Denny, Superintendant Rock Lick	292 50
From sales of lots in Indianapolis	3,345 49
From Seminary lands in Monroe	7,645 00
From sales of lands in Gibson	90 00
From rents	62 00
From fines on persons conscientiously scrupulous of bearing arms	344 50
From late Treasurer	1,160 00
Incidental payments	35 00
	<hr/>
	46,545 88
	<hr/>
Total,	52,361 43
Expenditures during the period above-mentioned—	
For public printing	1,403 22
	<hr/>
For interest on treasury notes	6 54
For interest on seminary funds paid to president of trustees of state seminary	387 81
	394 35
For contingent expenses	216 26
For expenses of last legislature—	
Pay and mileage of members	9982 00
Pay of clerks, doorkeepers, and sergeant at arms	1543 70
Distributing laws and journals	142 00
Legislative appropriations for binding books in Secretary's office, of which \$20 were refunded for error, and credit in the incidental payments	267 50
	<hr/>
	11,940 20
For state library and librarian's salary	51 50

Specific appropriations:	
For making tract books and copies	1144 00
For special allowances	962 54
	<hr/>
	2106 54
For stationary for last legislature	226 57
For seat of Government:	
Agent's salary	100 00
Balance for building the court-house	22 15
Treasurer's per centum, for two years	51 95
For building Governor's house	4000 00
	<hr/>
	4174 10
Salaries of the Adjutant and Quarter	
Master Generals	125 00
Salaries of the Executive Officers	2097 20
Salaries of the Judiciary	6409 81
Salaries of the circuit prosecutors	812 20
Balance of state debt to U. S. assignees of	
Vincennes Bank	2435 12
Treasury notes burnt	41 00
For killing wolves	51 50
To E. Denny, Superintendant of Rock Lick section	130 60
	<hr/>
Total expenditures	\$33,203 19
	<hr/>
Leaving a balance in the treasury of	\$19,153 24
The following items constitute the state debt:	
Due to the Seminary fund	\$10,093 96
Due to the road and canal fund	5000 00
Interest on same	2075 00
Outstanding warrant to A. Campbell	50 00
Treasury notes in circulation	169 00
Executive claims not audited	250 00
Judiciary	875 00
Circuit prosecutors	187 50
	<hr/>
	18,700 46
Making a balance in the treasury after paying	
all the debts of the state, of	452 78
The payments yet to be made from the assessments of 1827, may be estimated at	23500 00
From balances of former years	3000 00
	<hr/>
Making, in all, the sum of	\$26,952 78

Esteemed to be sufficient for the ordinary expenses of the current year.

By the report of James Borland, Esq. commissioner of the seminary township in Monroe, made to this office, it appears that on the 1st of October last, there were sold of the lands of said township, one hundred and twenty-one quarter sections, for the sum of \$23,003 96 1-2; of which there has been received the sum of \$6,830 24 1-2, leaving unpaid, \$161,73 72. The interest paid in advance, for the sum due, is, \$970 38 1-2; which sums, after deducting the commissioners' per centum, have been paid at the Treasury. Respectfully submitted,
S. MERRILL.

Which were read and referred to the committee of ways and means.

The Speaker also laid before the House the following communication and annual report, from the auditor of public accounts, to-wit:

Auditors' Office, 6th Dec. 1827.

To the Hon. H. H. MOORE, Speaker of the House of Representatives:

SIR: Enclosed, I herewith transmit through you to the House of Representatives, the Annual Report of the Auditor of Public Accounts, in obedience to an act of the General Assembly, concerning the Auditor of Public Accounts, and the Treasurer of State.

Yours, respectfully,
W. H. LILLEY, *Aud. P. A.*

Auditors' Office, 6th Dec. 1827.

In compliance with the requisitions of an act, concerning the Auditor of Public Accounts, and the Treasurer of State, the following report is respectfully submitted.

There was remaining in the Treasurer's hands on the 3d Dec. 1826, as per former report; provided all claims audited to that date have been paid

5,714 33

Since the above period to the 1st Dec. 1827, there has been received on account of balances due for the years 1822, 1823 and 1824,

238 05

From Collectors of Revenue, for the year 1826

30,770 77

for the year 1827,

2,382 06

For unlisted lands as reported by Treasurer,

100 35

Penalty for the delay of payment by the Collector of Bartholomew county, for the year 1822,	30 16
From Superintendant of Rock Lick Section,	292 50
B. I. Blythe, agent of state, for the town of Indianapolis,	3,345 49
Paymasters of the 8th, 9th, 17th, 37th, 40th, 42d and 47th Regiments, for conscientious fines,	344 50
Sale of Seminary lands in Monroe county,	7,645 00
Gibson county,	90 00
Rents,	62 00
From the late Treasurer	1,160 00
Incidental payments.	85 00
	<hr/>
	\$52,260 24

Since the above period there has been Audited on account of transporting convicts to the State Prison,	588 00
Salaries of Prosecuting Attornies,	812 20
Judiciary Department,	6,409 81
Executive Department,	2,097 26
Interest on treasury notes and Seminary fund,	394 35
Expenses of the last General Assembly, including the pay of members, Clerks, Doorkeepers, Sergeant at Arms, distributing laws, and specific appropriations for State Library,	11,991 70
On account of specific appropriations,	2,333 11
Public Printing,	1,408 22
Salary of Agent of State for Indianapolis, balance due on Court House, and building Governor's House,	4,174 10
On account of salaries of Adjutant and Quarter Master General's,	125 00
Wolf scalps,	51 50
Liquidation of the debt due from the State to United States,	2,435 12
Treasury notes burnt,	41 00
Contingent expenses for the year 1827	216 28
E. Denney, Superintendant of Rock Lick Sec.	60 00
	<hr/>
Total,	\$33,137 59

Which deducted from \$52,260 21, leaves a balance in the Treasury on the 1st Dec. 1827, of \$19,122 62

The assessments for all the counties in the state for the year 1827, except Delaware and Warren, amounts to

32,662 14

Of which it is estimated after deducting commissions for collecting delinquencies, &c. there will be paid into the Treasury,

26,000 00

The number of polls in all the counties in the state except the two above named, and Clay, Fayette & Henry, from which the number is not returned, is

39865.

From unlisted polls and lands assessed by Collectors and returned to this office, there is from the following counties for the year 1827, the sum of to wit:

From Daviess	\$18 14
Gibson	9 97
Floyd	6 85
Greene	1 85
Crawford	5 51
Pike	75
Knox	26 66
Sullivan	3 86
Fountain	5 62
Lawrence	69 98

Total amount returned to this office, \$154 19

An equal amount with the above may be expected to be returned from the counties which have not yet settled with the Treasurer, which sum of revenue from this source, amounts to

308 30

Out standing balances against Collectors since the commencement of the state government, a large part of which may be considered as lost,

10,979 32

All of which is respectfully submitted.

WM. H. LILLY, *Aud. P. A.*

The said communication and report were read and referred to the committee of Ways and Means.

Mr. Wallace from the committee on roads made the following report, to wit:

Your committee to whom was referred so much of the unfinished business of last year, as relates to public roads and highways have had the same under consideration and beg leave to report,

1st. That a bill locating a road from Indianapolis to Lafayette has merits; Therefore,

Your committee recommend that it be taken up by the house, and disposed of as an original bill.

2nd. A bill to establish a certain state road therein named.

4th. A bill to establish a state road from Indianapolis to the town of Crawfordsville in Montgomery county.

5th. And a joint resolution relative to so much of the state road from Mauks' ferry to Indianapolis as lies between Franklin and Indianapolis.

Your committee recommend the adoption of the following resolution:

Resolved, That the four last mentioned bills and resolution be indefinitely postponed.

Said report being read the same was concurred in by the house, and the first named bill was read the first time and passed to a second reading tomorrow.

Mr. Matlock presented the following resolution, to wit:

Resolved, That the Judiciary committee be instructed to enquire into the expediency of so amending the law regulating the mode of doing county business as to restore the law appointing commissioners for the transaction of the same.

And on the question will the house agree thereto, the same was decided in the negative.

On motion of Mr. Claypool,

Resolved, That the committee on roads be directed to report a bill allowing supervisors of roads a compensation of fifty cents each day they may be necessarily engaged in the discharge of their duty, conditioned that if they do not use due diligence to cause each and every person to work out their amount of road tax or pay an equivalent, the bal-

ance so remaining shall be deducted from the sum due said supervisor.

On motion of Mr. Johnson of P.

Resolved, That the committee on roads be instructed to enquire into the expediency of reducing the number of commissioners on roads on which the monies of the three per cent fund have been and are further to be expended.

On motion of Mr. Adams,

Resolved, That the Secretary of State furnish this house with a copy of the report of Alexander Ralston relative to the west fork of White river, its obstructions and the probable costs of removing the same.

Mr. Huntington presented the following resolution to wit:

Resolved, That the committee on the Judiciary enquire into the expediency of reporting a bill organizing a system of doing county business by townships.

And on the question will the house agree thereto, the same was decided in the negative.

Mr. Kinnard presented the following resolution, to wit:

Resolved, That the agents for making a contract for building a Governor's house be required to lay before the committee on the affairs of the town of Indianapolis the contract for erecting said building under the provisions of the act of the last General Assembly as well as the amount of money expended towards the erection of the said building, and the progress that has been made towards its erection.

The resolution being read, the same on motion of Mr. Little was ordered to lie on the table.

On motion of Mr. Blair,

Resolved, That the committee on the Judiciary be instructed to enquire into the expediency of author-

izing by law the boards of Justices in each county, or persons doing county business, when the time of service of any Justice of the Peace for which he was elected is about to expire, and that office become vacant, to order an election so as to prevent said office from becoming vacant with leave to report by bill or otherwise.

Mr. Adams asked and obtained leave of the house to be discharged from serving on the committee on roads.

Mr. Long, after having obtained leave, presented a bill supplemental to an act entitled an act changing the mode of doing county business in the counties therein named, approved January 26th, 1827; which was read the first time and passed to a second reading to-morrow.

And then the House adjourned until 2 o'clock P. M.

2 o'clock P. M.

The House met pursuant to adjournment.

The bill to repeal in part an act entitled an act to amend an act entitled an act for opening public roads and highways, and for other purposes, approved Feb. 12, 1825; was read a second time; And,

On motion of Mr. Howk, the same was ordered to lie on the table.

The bill attaching part of the county of Clay to the county of Owen, was read a second time, when, Mr. Pearcy moved to lay the same on the table, which was carried in the affirmative.

And then the House adjourned until to-morrow morning 9 o'clock.

SATURDAY MORNING, DECEMBER 8, 1827.

The House met pursuant to adjournment.

Mr. Kinnard presented a petition of Jeremiah J. Corbeley and others of Marion county, praying that Ministers of the Gospel, and Justices of the Peace (when on business of their office) may be exempted from the payment of ferriage, which was referred to a select committee of Messrs. Kinnard, Matlock and Smiley.

Mr. Matlock presented a petition of Henry Robinson and others, praying the formation of a new county out of the county of Wabash, which was read, and on motion of Mr. Beard the same was ordered to lie on the table.

Mr. De Pauw presented a petition of Samuel Parrish and David Gray, praying certain relief for lots forfeited in the town of Indianapolis, which was referred to the committee on the affairs of Indianapolis.

Mr. Stevens from the Judiciary committee, made the following report, to wit:

The committee on the judiciary to whom was committed the petition of Ruth Lee and others, have had the same under consideration, and recommend the adoption of the following resolution:

Resolved, That it is inexpedient to grant the prayer of the petitioners.

Which report was concurred in by the House.

Mr. Stevens from the Judiciary committee also made the following report, to wit:

The committee on the Judiciary to whom was committed a resolution of this House, requiring them to enquire into the expediency of presenting by law, a uniform system throughout the state, of doing county business, have had that subject under their consideration, and have concluded that it is inexpedient to legislate on that at this time. The

committee in common with all others agree that it is very desirable that a uniform system shall be adopted, but at the same time are convinced that the people are not now prepared to accept it. The counties of Dearborn, Switzerland and Ripley have a mode peculiar to themselves which is authorised by law. The counties of Franklin, Union, and eight or ten other counties have a mode peculiar to themselves, and the remainder of the counties have a uniform system.

The committee believe that it would produce great dissatisfaction, without any benefit to the public amongst a majority of those people, if they were at this time compelled to change their manner of transacting their local business.

The committee therefore recommend the adoption of the following resolution, to wit:

Resolved, That it is inexpedient at this time to legislate on the subject,

Which being read, on motion of Mr. Stapp, the same was ordered to lie on the table.

Mr. Stevens from the Judiciary committee also made the following report, to wit:

The committee on the Judiciary to whom was committed a resolution of this house, requiring them to enquire into the expediency of providing by law for the sale of any surplus copies of the laws that remain in the different Clerk's offices &c. have had the same under their consideration, and upon examination have agreed on the following, to wit:

That the increase of inhabitants, and consequently the increase of townships and officers in most of the counties will in all probability in a short time produce a demand for all the surplus copies of the laws that may now be on hand in those offices, and if that should not be the case, those laws ought to be preserved, and the only way to preserve them is

to let them remain in the Clerk's offices, for experience has taught us that those unbound laws are not preserved for any length of time in the hands of the county and township officers.

Therefore,

The committee recommend the adoption of the following resolution, to wit:

Resolved, That it is inexpedient to legislate on this subject at present.

Said report being read, was concurred in by the house.

Mr. Stevens from the same committee also submitted the following report, to wit:

The committee on the Judiciary to whom was committed the petition of Middleton Robertson and others, and the remonstrance of Thomas Hudson and others on the subject of mills and millers, have had the same under their consideration, and recommend the adoption of the following resolution:

Resolved, That it is inexpedient to grant the prayer of the petitioners.

Which report was also concurred in by the house.

Mr. Stevens from the Judiciary committee also made the following report, to wit:

The committee on the Judiciary to whom was committed the following unfinished business of the last General Assembly, to wit:

1. A bill supplemental to an act to provide for the electing county and township officers.

2. A bill amendatory to the act entitled "An act to regulate the judicial circuits and fixing the times of holding courts."

3. A bill to amend the act entitled "An act subjecting real and personal estate to execution."

4. A bill to amend the act entitled "An act for the appointment of Constables and defining their duties."

5. A bill directing the mode of suing out and pros-

ecuting writs of Habeas Corpus, have examined the same and recommend the adoption of the following resolution:

Resolved, That those bills numbered above 1, 2, 3 and 4 be indefinitely postponed, and that the bill numbered above 5, be taken up by the house and acted on as an original bill of this house.

The house concurred in said report except so far as relates to bill numbered 3.

Mr. Elliott then moved to lay bill numbered 3, in said report on the table, which was carried in the affirmative.

Bill numbered 5 in said report was read the first time and passed to a second reading on Monday next.

Mr. Stapp from the select committee to whom was referred, the bill found among the unfinished business of last session of the General Assembly, relative to an exchange of territory between the counties of Johnson and Morgan, made the following report, to wit:

The select committee to whom was referred, a bill to authorise the exchange of a part of the territory of the counties of Johnson and Morgan, have had the same under consideration, and have directed me to report that it is ~~in~~expedient to legislate on the subject matter contained in said bill.

Which report was read and concurred in by the house.

Mr. Judah from the select committee to whom was referred the joint resolution found among the unfinished business of last session, relative to the names of the several counties in this state, reported that the committee had had the same under consideration, and recommend the adoption of the following resolution:

Resolved, That said joint resolution be indefinitely postponed.

The report of the said committee was read and concurred in by the house.

On motion of Mr. Kinnard,

The house took up the resolution which was presented by him on yesterday relative to calling on the persons appointed by law to make a contract for the building of a house for the use of the Governor, to make a report of their proceedings therein, &c. And,

On motion of Mr. Kinnard,

Said resolution was so amended as to require the report to be made to this house instead of the committee on the affairs of Indianapolis.

Mr. Stapp moved to lay said resolution as amended again on the table, which was carried in the affirmative.

On motion of Mr. Stevens,

The several orders of the day were for the present postponed, and the house according to order, resolved itself into a committee of the whole, on the Message of his Excellency the Governor, and after some time spent therein the Speaker resumed the chair, and Mr. Stapp reported, that the committee of the whole had according to order had the Message of his Excellency the Governor under consideration, and came to sundry resolution, thereon, to wit:

1. *Resolved*, That all that part of the Message of his Excellency the Governor, which relates to the road from Lake Michigan to the Ohio river *via* the town of Indianapolis; and the grant of lands respecting the same, be committed to the standing committee on roads.

2. *Resolved*, That all that part of the Message of his Excellency the Governor which relates to canal navigation, and grants of land respecting the same, and Rail Roads, be committed to the standing committee on canals and internal improvements.

3. *Resolved*, That all that part of the Message of his Excellency the Governor, respecting the sovereignty of the public lands within the limits of the several states, and the donation of those lands to settlers after a limited period, be committed to a select committee.

4. *Resolved*, That all that part of the Message of his Excellency the Governor, relative to the Militia, Militia Laws, and Arms &c. be committed to the standing committee on Military Affairs.

5. *Resolved*, That all that part of the Message of his Excellency the Governor, relative to Education, Learning, Schools, school lands, and the Bloomington Seminary, be committed to the standing committee on Education.

6. *Resolved*, That all that part of the Message of his Excellency the Governor, relative to crimes and punishments, and the laws of the land, be committed to the standing committee on the Judiciary.

7. *Resolved*, That all that part of the Message of his Excellency the Governor, relative to the state prison be committed to the standing committee on the affairs of said prison.

8. *Resolved*, That all that part of the Message of his Excellency the Governor, relative to the town of Indianapolis, and the sale of lots &c. be committed to the standing committee on the affairs of the said town.

9. *Resolved*, That all that part of the Message of his Excellency the Governor, relative to the Treasury department, public expences, and the financial concerns, be committed to the standing committee of Ways and Means.

10. *Resolved*, That so much of the Message of his Excellency the Governor, as relates to the national road, be referred to a select committee, with leave to report by memorial or otherwise.

These resolutions were again read at the Clerk's table, and concurred in by the house generally.

Messrs. Read of D. and M. Stevens and Judah were appointed a committee with respect to the sovereignty of the public lands within the limits of the several states, in pursuance of the third resolution.

Messrs. Craig, Graham and Kinnard were appointed a committee on the subject of the national road in pursuance of the 10th resolution.

And then the House adjourned until Monday morning 9 o'clock,

MONDAY MORNING, DECEMBER 10, 1827.

The House met pursuant to adjournment.

The Speaker laid before the house the following communication from Samuel Merrill and B. I. Blythe, together with sundry documents accompanying the same, to wit:

To the Speaker of the House of Representatives:

The undersigned who were appointed by an act of the last General Assembly, to contract for the erection of a house on the Governor's circle, "on such terms and conditions as they might think advantageous to the state, and in such form and fashion as they might direct?" *Respectfully report*, That they have contracted with Messrs. Bishop, Culbertson, Smith and Speaks, for the erection of the said house, for the sum of six thousand and forty dollars, on condition that said contract should be approved by the Legislature. For further particulars respecting the contract, a reference is requested to the original article which is herewith submitted.

The undersigned were at some loss, and at one

time differed in opinion as to the meaning of the statute: but on reflection they adopted a plan, which they conceived came within the spirit of the act, which seemed to be, that the terms and conditions of the contract should be advantageous to the state. At an early period they ascertained that a *good contract* could not be made for finishing the house by the time mentioned in the statute. In fact the possibility of completing a house within that time, which would satisfy even moderate expectations on the subject, was very much doubted by persons acquainted with the difficulties of procuring lumber in this place, at an early season of the year. It was well understood that a much larger sum must have been paid, if further time than that mentioned in the act had not been allowed. The undersigned therefore concluded to give reasonable time for procuring good materials, and to erect such a building as the peculiar situation of the spot on which it was to be placed seem to require. It will be seen when compared with the price paid for the court house in Indianapolis, that the house under consideration, though one fourth larger, will cost the state eight thousand dollars less. The undersigned from a careful examination of the last sales of lots in this town, are confidently of the opinion, that a sum far exceeding the difference between the appropriation and the amount specified in the contract, has already been gained to the state by the proposed plan of erecting the house. No doubt on this subject can be entertained by any one who will examine the prices of lots on Market and Meridian streets, which lead to the circle, and compare them with the prices of lots on other streets not more remote from the centre of business.

An additional reason with one of the undersigned for agreeing to the proposed plan, and uniting harmoniously with his colleague to effect it, was the

importance of settling difficulties that threatened to arise, about changing the plan of the town, and if this be deemed a compromise of opinion in him to effect so desirable an object, it was, he thinks, an advantage cheaply purchased.

Respectfully submitted,

S. MERRILL, *Treasurer,*

B. I. BLYTHE,

Agent of State.

December 10, 1827.

The above report with the documents accompanying the same were read and referred to the committee on the affairs of the town of Indianapolis.

The Speaker laid before the house the following communication, to wit:

To the Speaker of the House of Representatives:

In compliance with the "act appointing a Board of Visitors to the State Seminary at Bloomington," approved January 26, 1827, the following persons, viz. James B. Ray, James Scott, R. W. Nelson, Samuel Hall and Samuel Merrill convened at Bloomington on Thursday the 1st day of November, 1827.—The Board was organised by appointing James Scott President, and Samuel Hall Secretary. The duty prescribed to the Visitors of "personally inspecting the studies and progress of the students," was carefully attended to, for the principal part of the day, during which every scholar was critically examined in the different branches of education, in which he had been engaged. It is with much pleasure that the Board express their full approbation of the manner in which both teachers and scholars, acquitted themselves on this subject; there was but one opinion among the Visitors; that more ability to teach, was exhibited by the Professors, and more apparent proficiency by the scholars, than they had ever before witnessed on a similar occasion.

The Board afterwards proceeded to examine the

Records of the corporation, the proceedings of the trustees and the by-laws of the institution, which were submitted to them, and they found with much satisfaction, that every requisite provision had been made to advance the interests of science, to preserve morality and good order, and to guard against sectarian influence.

At the request of the trustees, the board also examined their proceedings in relation to the appointment of the last professor, and on this subject, the Visitors were unanimous in their approbation.

In conclusion, the Visitors conceive, that they should not fully perform their duty, were they not to suggest to the Legislature, the propriety of giving collegiate powers to the institution at Bloomington.

The time they think has arrived, when the liberal donation by Congress for a state University should be made to realize some of the benefits for which it was designed. The sale of the Seminary lands has produced the necessary funds—suitable Professors are already engaged—students too are there, anxious to obtain at home what they must otherwise seek from abroad. The buildings immediately wanted have been erected, and Bloomington from its healthy and central situation, and its cheap and abundant markets affords, it is believed, facilities for promoting the interests of literature which should not be neglected.

Respectfully submitted,

JAMES SCOTT, *President.*

SAMUEL HALL, *Sec'y.*

The above report was read and referred to the committee on Education.

Mr. Allen presented a petition of Joseph M. Hayes and others, citizens of Parke county, praying an act to incorporate themselves into an agricultural and manufacturing association under the name

of the Montezuma agricultural and domestic manufacturing association, which was referred to a select committee of Messrs. Allen, Huntington and M'Kinney.

Mr. Matlock presented a petition of Friend Johnson and others, and also of Aaron Hicks and others, praying the formation of a new county out of the county of Wabash, which were referred to a select committee of Messrs. Matlock, Beard and Huntington.

The petition of Henry Robinson and others on the same subject, was taken up and referred to the same committee.

Mr. Beard presented a remonstrance of John Provolt and others of Tippecanoe county, against the formation of a new county out of the counties of Tippecanoe and Wabash, which was also referred to the committee to whom was referred the petition of F. Johnson and others.

Mr. Allen presented a petition of Stephen Fleming and others, of Parke county, praying authority to locate a state road from Rockville to Raccoon creek, which was referred to the committee on roads.

Mr. Stevens from the Judiciary committee to whom was referred, the resolution of this house of the instant, reported a bill supplemental to an act entitled an act regulating the admission of Attorneys and Counsellors at law, approved January 31st, 1824, which was read the first time, and passed to a second reading to-morrow.

Mr. Hawk from the committee on Education made the following report, to wit:

The committee on Education to whom was referred, that part of the report of the committee on unfinished business of the last session, comprising a joint resolution to provide a system for the establishment of primary schools, and a bill entitled "an

act legalizing the proceedings of the trustees of town three, north of range two, east, in the Jeffersonville district," have had the same under consideration, and deem it inexpedient to act thereon at the present session. The committee, therefore, recommend the adoption of the following resolution:

Resolved, That the further consideration of said bill and joint resolution be indefinitely postponed.

Which report was read and agreed to by the house.

Mr. Wallace from the committee on roads, made the following report, to wit:

Your committee to whom was referred the petition of John Nunn and others, citizens of Spencer county, have had the same under consideration, and have directed me to report, that they deem it inexpedient to grant the prayers of the petitioners, they therefore ask to be discharged from the further consideration of the same.

The same committee have had under consideration a part of the unfinished business of last General Assembly, (viz.) a bill directing the agent of the three per cent. fund to pay certain claims, and recommend the adoption of the following resolution:

Resolved, That said bill be indefinitely postponed.

Which report was read and concurred in by the house.

Mr. Levenworth from the committee on canals and internal improvements, reported a joint resolution relative to the navigation of the Miami of Lake Erie, which was read the first time and passed to a second reading to-morrow.

Mr. Levenworth from the same committee reported a bill to establish a canal to connect the navigable waters of the Wabash river with the navigable waters of the Miami of Lake Erie, which was read

the first time and passed to a second reading to-morrow.

Mr. Decoursey from the select committee to whom was referred a resolution of this house on that subject, reported a joint resolution on the subject of procuring from the United States, a quarter section of land in each county in this state, for the better support of the poor.

Which was read the first time, and passed to a second reading to-morrow.

On motion of Mr. Annable,

Resolved, That the committee on roads be instructed, to enquire into the expediency of authorising by law, the people of the several counties where township meetings are instituted to elect, and the persons authorised to do county business, where township meetings are not authorised, to appoint annually for each township, three commissioners of highways, whose duty it shall be at a certain season, to view all the roads in their several townships, to divide the same into a suitable number of districts, to number the said districts, apportion the hands, and make report to the next township meeting, Board of county Commissioners, or Board of county Justices as the case may be.

On motion of Mr. Kinnard,

Resolved, That a select committee be appointed to enquire into the expediency of laying off the unorganised territory of this state, into counties, to contain not less than four hundred square miles; and of memorializing Congress on the subject of donating one quarter section of land to each county that may be so laid off, for a county seat, to be selected, under the authority of the General Assembly of the state of Indiana.

Ordered, That Messrs. Kinnard, Worth and Pearcy be the committee in pursuance of said resolution.

On motion of Mr. Boon,

Resolved, That the Judiciary committee be instructed to enquire into the expediency of authorising by law, partnerships composed of one or more partners, jointly and severally responsible, according to the existing rules of law upon that subject; and of one or more partners, who shall furnish certain funds, and be only responsible for the amount so furnished.

On motion of Mr. McClure,

Resolved, That the Judiciary committee be directed to enquire into the expediency of authorising the Board of Justices for Knox county, to make sale of the Knox county Poor-house at such time, and upon such terms as to the Board may seem proper.

On motion of Mr. Judah,

Resolved, That the committee on canals and internal improvements, be directed to enquire into the expediency of requesting from the Secretary of war, a Brigade of Engineers to examine the Wabash river from its mouth, to the Tippecanoe river; and to ascertain the practicability, best manner, and probable cost of improving its navigation.

On motion of Mr. Allen,

Resolved, That the Judiciary committee be instructed to enquire into the expediency of so amending the law, as to authorise the respective Sheriffs of this state, to take recognisance on writs of attachment for contempt, &c served in vacation.

Mr. Adams presented the following resolution, to wit:

Resolved, That the committee of Ways and Means be requested to enquire into the expediency of repealing so much of the Revenue law as relates to a poll tax for state purposes, which was read; And,

On motion of Mr. Worth,

Said resolution was laid on the table.

Mr. Kinnard presented the following resolution, to wit:

Resolved, That a select committee be appointed to enquire into the expediency of memorializing Congress on the subject of donating to the state of Indiana, one township of land, for the benefit of a Seminary of Learning, to be established at or near Indianapolis, as the Legislature shall direct.

Mr. Claypool moved to amend said resolution, so as to refer it to the committee on Education, which was carried in the affirmative.

The resolution as amended, was then adopted by the house.

The Speaker laid before the house, a communication from the Governor, enclosing a letter from Col. G. Bomford of the U. S. Ordinance Department, which were referred to the committee on Military Affairs.

The house took up and proceeded to consider the orders of the day.

The bill to locate and open a state road from Indianapolis to Lafayette in Tippecanoe county, was read a second time, and committed to a committee of the whole house to-morrow.

The bill supplemental to an act entitled an act to change the mode of doing county business in the several counties therein named, approved January 26th, 1827, was read a second time, and committed to a committee of the whole house to-morrow.

The bill directing the mode of suing out and prosecuting writs of Habeas Corpus, was read a second time, and committed to a committee of the whole house on Wednesday next.

On motion of Mr. Bassett,

Ordered, That one hundred copies of the last named bill be printed for the use of the members of this house.

On motion of Mr. De Pauw,
Messrs. Howk, Work and M'Pheeters were added
to the select committee to whom was referred the
petition of Levi Wright and others.

And then the house adjourned until to-morrow
morning 9 o'clock.

TUESDAY MORNING, DECEMBER 11, 1827.

The House met pursuant to adjournment.

Mr. Pearcy presented a petition of the Board of
Justices and others of Clay county, praying that cer-
tain acts of said Board, at their May session, 1826,
may be legalized, which was referred to the Judicial-
ry committee.

Mr. Blair presented a petition of John Whiser-
mand (of Monroe county) Administrator of Ezra
Wilcox dec'd. praying authority to sell certain real
property belonging to said estate, which was refer-
red to the Judiciary committee.

Mr. Adams presented a petition of Samuel Hite
and others, of Green county, praying part of said
county may be attached to the county of Monroe,
which was read and ordered to lie on the table.

Mr. Clendenin from the committee of Ways and
Means, made the following report, to wit:

The committee of Ways and Means to whom was
referred two bills, among the unfinished business of
last session, to wit:

1. A bill for ascertaining the value of taxable
property.

2. A bill requiring certain duties to be performed
by the Auditor of Public Accounts, the Secretary
and Treasurer of State, have had the same under

consideration, and recommend the adoption of the following resolution:

Resolved, That said bills referred to the committee of Ways and Means, and numbered 12 and 13, on the report of the committee of unfinished business, be taken up and acted upon as original bills of this house.

Said report was read and agreed to by the house, and said bills were read the first time, and passed to a second reading to-morrow.

Mr. Stevens from the Judiciary committee to whom was committed, two bills of the unfinished business of the last General Assembly, relative to crimes and punishments, and so much of the Message of his Excellency the Governor, as relates to the same, reported a bill to amend an act entitled an act relative to crimes and punishments, which was read the first time, and passed to a second reading to-morrow.

Mr. De Pauw, from the committee on the affairs of the town of Indianapolis, to whom was referred the petition of Samuel Parish and David Gray, made the following report, to wit:

The standing committee on the affairs of the town of Indianapolis, to whom was referred, the petition of Samuel Parish and David Gray, praying relief in relation to monies paid to the state on lots in the town of Indianapolis, which have become forfeited: have had that subject under consideration, and are unanimously of opinion, that both equity and good policy countenance the propriety of extending legislative relief to the petitioners, as well as to every person similarly situated and have in accordance with this opinion, instructed me to report the following bill, to wit:

A bill for the relief of purchasers of lots in the town of Indianapolis.

Which bill was read the first time, and passed to a second reading to-morrow.

Mr. Wallace from the committee on roads, to whom was referred that part of the Message of his Excellency the Governor, which relates to that subject, reported a bill to locate a road from Lake Michigan by way of Indianapolis, to the Ohio river, which was read the first time, and passed to a second reading to-morrow.

Mr. Stevens from the Judiciary committee, to whom was referred the petition of Phillip Sweetser and others, made the following report thereon, to wit:

The committee on the Judiciary, to whom was committed the petition of Philip Sweetser and others, citizens of Bartholomew county, praying "that the proceedings of the Associate Judges, when sitting, as a Court of Probates at special sessions, since the spring of the year 1825," may be legalized, and rendered as valid, as though the proceedings and business so done at such special sessions, had been done at regular sessions: have had the same under consideration, and now ask leave to report,

That in January 1825, an act was passed, authorising the Associate Judges of the several counties, as a Court of Probate, to transact all manner of Probate business, except such as might bring the title of lands in question; which act specified the days and times, when they should act as such court: that under that act, the Associate Judges in many of the counties in this state, supposed they were authorised to hold special sessions, as a Probate Court, and did so hold special sessions and transact business, the question being brought before the Supreme Court of the State of Indiana at their November term, 1827, and the court by their decision, have declared all business done and transacted at any special sessions aforesaid, is utterly null & void.

By the decision of the Supreme Court, it is to be seen that those proceedings are not declared *voidable*, but *absolutely void* from the beginning.

Hence the committee are of opinion that it is not in the power of the Legislature to legalize that, which never had any legal existence, but which was utterly null and void from the beginning, and by virtue of which, no right, title or claim ever did or could accrue.

The committee therefore recommend the adoption of the following resolution, to wit:

Resolved, That it is inexpedient to legislate on that subject.

The above report being read, the same was, on motion of Mr. Stapp, ordered to lie on the table.

The Speaker laid before the house the following Message from the Governor, with accompanying documents, to wit:

EXECUTIVE DEPARTMENT, }
INDIANAPOLIS, DECEMBER 11, 1827. }

Hon. H. H. Moore,

Speaker of the House of Representatives:

SIR:—I have the honor to lay before you, for the inspection of the House of Representatives, the plot of the late survey made by the Surveyor General of the northern boundary of the state of Indiana, together with his communication on that subject. As it is highly necessary that this document should be perpetuated, by the authority of the State Government of Indiana, and receive its sanction, I would respectfully recommend, that either by a joint resolution, or a law, you do approve of the survey which has been made, and now submitted, and require the same to be recorded in the office of the Secretary of State.

Very respectfully, I remain your

Obedient servant,

J. BROWN RAY.

Communication accompanying the above Message.

SURVEYOR GENERAL'S OFFICE, }

CHILlicothe, November 23, 1827. }

SIR:—Herewith I transmit to you, a copy of the plat of the northern boundary line of the state of Indiana, which has been lately surveyed under my direction, in pursuance of the instructions from the Government of the United States, and conformably to the act of the Congress of the United States, entitled, "An act to authorise the President of the United States, to ascertain and designate the northern boundary of the state of Indiana," passed March 2nd, 1827.

The survey of this line was commenced on the south eastern coast of Lake Michigan, at a point which, by a very careful and accurate survey of the coast, was found to be ten miles, due north of an east and west line, passing through the southern extremity of the said Lake; thence the north boundary of Indiana, was designated, surveyed, and marked due east, by the true meridian, and on this line, at the measure of one hundred and four miles, forty-nine chains and fifty-five links, it was intersected by a due north line from the distance of nine miles sixty-four chains, and twenty-one links, therefrom. The Surveyor made frequent celestial observations on this line, to determine the variation of the compass, and regulated his instrument, from time to time to the true meridian.

In order to avoid any colour of ground for complaint or jealousy on either side of the state line, I thought it best to select for this service a skilful deputy Surveyor, not a citizen of either Indiana or Michigan—a gentleman of this place, with whose fidelity and abilities in the profession, I have the ut

most confidence. And that in the manner in which he has executed the survey, will be satisfactory to the state of Indiana. I was apprehensive that it would have been unnecessary delay, to suspend the survey until legislative provision could be made by the state of Indiana, for sending out an agent to accompany the Surveyor. And in this case, it would have been but justice that an agent on the part of the territory of Michigan, (which will shortly be a state also,) should accompany the Surveyor likewise. This would be an useless and unnecessary expense on both sides, as in all cases the Surveyor would have to be governed solely by my instructions, which were founded upon the law authorising the survey—and which restricted the expense of the survey to five dollars per mile. It was executed for *four* dollars per mile.

I am very respectfully, sir,

Your obedient servant,

EDWARD TIFFIN.

His Excellency GOVERNOR RAY,

Indianapolis, Indiana.

The above Message, together with the communication from Edward Tiffin, and the plat of the survey of our northern boundary, were referred to a select committee of Messrs Stapp, Read of D. and M. and Little,

A Message was received from the Senate by Mr. Farnham, their Assistant Secretary, announcing that the Senate have passed an engrossed bill, entitled an act to establish a levee to preserve the road leading from Vincennes, through the lower prairie near to the Wabash river, in which the concurrence of this house is desired.

The said bill was read the first time, and passed to a second reading to-morrow.

Mr. De Pauw from the select committee to whom was referred a resolution of this house, on the sub-

ject of memorializing Congress, on behalf of debtors, for public lands, reported a memorial and joint resolution on that subject, which was read the first time, and passed to a second reading to-morrow.

On motion of Mr. Matlock,

Resolved, That the Judiciary committee be instructed to enquire into the expediency of attaching all that part of Wabash county, lying north of the county of Hendricks, and south of the line dividing townships, twenty and twenty-one to said county of Hendricks, exclusively for Judicial purposes.

On motion of Mr. Read of D. and M.

Resolved, That the Judiciary committee be instructed to enquire into the expediency of exempting from execution, in addition to the present exemptions, a certain number of Sheep.

On motion of Mr. Little,

Resolved, That the committee on the Judiciary, be instructed to enquire into the expediency of so amending the law regulating the jurisdiction and duties of Justices of the Peace, that Justices of the Peace may have power to call a jury, and try assault and battery cases, where the fine shall not exceed \$20.

On motion of Mr. Steele,

Resolved, That the Adjutant General of this state be requested to lay before this house, a return of the full strength of men and arms, composing the Militia of this state.

On motion of Mr. Decoursey,

Resolved, That the Judiciary committee be instructed to enquire into the expediency of so amending the third section of the act regulating enclosures, as to enable the Justices therein named, to enter judgment and enforce collection by execution.

On motion of Mr. Long,

Resolved, That the committee on Military Affairs be instructed to enquire into the expediency of

revising the law regulating the Militia of this state, and make such amendments thereto as they may find necessary for the regulation of the same, and report the same to this house by bill.

Mr. Adams presented the following resolution, to wit:

Resolved, That the Judiciary committee be instructed to enquire into the expediency of compelling the boards of Justices, or persons doing county business, to have fire proof Clerk's and Recorder's offices erected, at the several seats of Justice of their respective counties in this state, within a reasonable time, the expense of erecting, which shall be defrayed out of the proceeds of the sales of lots at their respective seats of Justice.

Mr. Long moved to amend said resolution, so that the same should apply only to the counties of Green and Owen, which was carried in the affirmative.

Mr. Adams then by leave of the house, withdrew his resolution.

Mr. Irwin presented the following resolution, to wit:

Resolved, That the Judiciary committee be directed to enquire into the expediency of providing by law, that any miller, when engaged attending a mill, loading and unloading all grain brought to their respective mills, shall not be bound to attend musters, serve on juries, nor work on roads.

The said resolution being read, and on the question will the house agree thereto, the same was decided in the negative.

Mr. Stapp, after having obtained leave, presented a bill supplemental to an act, entitled an act allowing and regulating the writ of *ad quod damnum*, which was read the first time, and passed to a second reading to-morrow.

Mr. Watts, after having obtained leave, presented a bill to amend the several acts now in force, rela-

tive to assessing and collecting the revenue, which was read the first time, and passed to a second reading to-morrow.

Mr. Decoursey, after having obtained leave, presented a bill to amend the act subjecting real and personal estate to execution, which was read the first time, and passed to a second reading to-morrow.

Mr. Newell, after having obtained leave, presented a bill exempting ministers of the Gospel from serving on juries in criminal cases, which was read the first time, and passed to a second reading to-morrow.

The house proceeded to consider the orders of the day.

The bill supplemental to an act entitled an act, regulating the admission of Attorneys and Counselors at law, approved January 31, 1824, was read a second time, and committed to a committee of the whole house to-morrow.

The joint resolution relative to the Navigation of the Miami of Lake Erie, was read a second time, and committed to a committee of the whole house to-morrow.

The joint resolution on the subject of procuring from the United States, a quarter section of land to each county in this state, for the better support of the poor, was read the second time, and committed to a committee of the whole house to-morrow.

On motion of Mr. Beard,

The committee of the whole house, to which was committed the bill to locate and establish a state road from Indianapolis to Lafayette in Tippecanoe county, were discharged from the further consideration thereof: and

On motion of Mr. Beard,

The said bill was re-committed to a select committee of Messrs. Beard, Matlock, and Kinnard.

The house resolved itself into a committee of the whole, on the bill supplemental to the act entitled an act, changing the mode of doing county business in the several counties therein named, approved January 26th, 1827; and after some time spent therein, the Speaker resumed the chair, and Mr. Stevens reported said bill, with one amendment, which was again read at the clerk's table, and concurred in by the house.

Ordered, That said bill be engrossed and read a third time to-morrow.

The bill to establish a canal to connect the navigable waters of the Wabash river with the navigable waters of the Miami of Lake Erie, was read a second time, and committed to a committee of the whole house on Thursday next.

On motion of Mr. Stevens,

Ordered, That one hundred copies of said bill be printed for the use of the members of this house.

The Speaker laid before the house, the annual report of the Secretary of State as Librarian of the State Library, which was read and referred to a select committee of Messrs. Stevens, Hawk and Marshall.

And then the House adjourned until 2 o'clock P. M.

2 o'clock P. M.

The House met pursuant to adjournment.

On motion of Mr. Long,

The house took up the bill for the relief of Thomas Wyatt.

And on the question recurring on the report of the committee on unfinished business, which recommended the indefinite postponement of said bill,

The same was decided in the negative.

Said bill was then read the first time, and passed to a second reading to-morrow.

On motion of Mr. Stapp,

The house took up the resolution presented by Mr. Adams, which reads in the words following:

Resolved, That the committee of Ways and Means, be requested to enquire into the expediency of repealing so much of the revenue law as relates to a poll tax for state purposes.

And the ayes and noes being required by two members, on the question to adopt said resolution, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Adams, Allen, Annable, Beard, Boon, Campbell, Claypool, Elliott, Hendricks, Irwin, Jones, Kinnard, Lewis, Long, Percy, Roberts, Spann, Stapp, Stevens, Veatch, Watts and Moore Sp'r.—22.

And those who voted in the negative are,

Messrs. Bassett, Blair, Brown, Clendenin, Craig, Decoursey, De Pauw, Graham, Hawk, Huntington, Jackson, Johnson of P. Johnston of V. and W. Judah, Lemon, Levenworth, Little, Lomax, Marshall, Matlock, M'Clure, M'Kinney, M'Pheeters, Newell, Pabody, Pollock, Read of D. and M. Reid of F. Slaughter, Steele, Wallace, Wilson, Work and Worth—34.

And so the house refused to agree to said resolution.

And then the house adjourned until to-morrow morning 9 o'clock.

WEDNESDAY MORNING, DECEMBER 12, 1827.

The House met pursuant to adjournment.

Mr. Hawk presented a petition of James C. Caldwell, collector of the revenue of Clark county for 1824, praying a certain amount of interest may be allowed him on treasury notes, by him collected &c. which was referred to the committee on claims.

Mr. Slaughter presented a petition of Benjamin Hurst and others of Harrison county, praying a repeal of that part of the revenue law, which imposes a tax on brass clocks, gold and silver watches &c. which was referred to the committee of Ways and Means.

Mr. Read of D. and M. from the select committee to whom was referred a resolution of this house, on that subject reported a bill supplemental to an act to provide for carrying the laws into effect in new counties, which was read the first time, and passed to a second reading to-morrow.

Mr. Stevens from the Judiciary committee to whom was referred a resolution of this house, on that subject, made the following report, to wit:

The committee on the Judiciary, to whom was referred a resolution of the house, directing them to enquire into the expediency of so amending the laws, (on that subject,) that it shall be the duty of those doing county business, to cause re-elections of Justices of the Peace, before the time of those in office have expired; have had the same under their consideration, and now ask leave to report:

That it is the opinion of the committee, that the evils complained of, grow out of a defect in the phraseology of the constitution, and cannot be remedied by any legislative act; therefore recommend the adoption of the following resolution, to wit:

Resolved, That the committee be discharged from the further consideration of the subject.

Which report was read, and agreed to by the house.

Mr. Levenworth from the committee on canals and internal improvements, to whom was referred the resolution presented by Mr. Judah on that subject, reported a joint resolution relative to the navigation of the Wabash river, which was read the

first time, and passed to a second reading to-morrow.

On motion of Mr. Worth,

Resolved, That the Judiciary committee be instructed to enquire into the expediency of providing by law for holding circuit courts in the county of Delaware.

On motion of Mr. Elliott,

Resolved, That the Judiciary committee be instructed to enquire into the expediency of so amending the law regulating the times of holding courts, so as to give one additional term of the circuit courts.

On motion of Mr. M'Clure,

Resolved, That a committee be appointed to enquire into the expediency of amending the act regulating fees, so that the docket fee, now allowed by law to practising attorneys, may be stricken out; and that clerks and sheriffs, for extra service shall in no case receive a larger or greater allowance, than may be awarded to them by the board doing county business.

Ordered, That Messrs. M'Clure, Wilson and Boon be that committee.

On motion of Mr. Annable,

Resolved, That the committee on the Judiciary be instructed to enquire into the expediency of passing a law, which shall give to mechanics employed in erecting any building, a lien upon the whole freehold, until they are paid for their labors, with leave to report by bill or otherwise.

Mr. Graham, after having obtained leave, presented a bill to attach certain territory to the county of Floyd; which was read the first time, and ordered to a second reading to-morrow.

On motion of Mr. Adams.

The house took up and proceeded to consider the

bill attaching a part of the county of Clay to the county of Owen.

Mr. Stevens then moved to re-commit said bill to a select committee, with instructions to enquire whether the county of Owen has been reduced below its constitutional size, in the formation of the county of Clay, which was decided in the affirmative.

Ordered, That Messrs. Worth, Annable and Allen be that committee.

The house proceeded to consider the orders of the day.

The engrossed bill from the Senate, entitled "An act to erect a levee to preserve the road, leading from Vincennes, through the lower Prairie near the Wabash river, was read a second time, and committed to a committee of the whole house to-morrow.

The bill to ascertain the value of taxable property; and the bill requiring certain duties to be performed by the Auditor of Public Accounts, the Secretary and Treasurer of State, were read a second time, and committed to a committee of the whole house to-morrow.

A message was received from the Senate by Mr. Farnham their Assistant Secretary, announcing that they have adopted the following resolution, viz.

Resolved, That the House of Representatives be respectfully requested to cause an examination to be had, on the files of papers of that house, for the report of Alexander Ralston, made to the House of Representatives, in the year 1826, on the subject of the improvement of the navigation of the east and west forks of White river, and to furnish the Senate through their Secretary, with said report.

The bill to amend the act entitled an act relative to crimes and punishments, was read a second time, and committed to a committee of the whole house on Saturday next.

On motion of Mr. Kinnard,

Ordered, That one hundred copies of said bill be printed for the use of the members of this house.

The bill to locate a road from Lake Michigan, by way of Indianapolis, to the Ohio river, was read the second time, and committed to a committee of the whole house on Monday next.

On motion of Mr. Levenworth,

Ordered, That one hundred copies of the said bill be printed for the use of the members of this house.

The bill for the relief of purchasers of lots in the town of Indianapolis, was read a second time, and committed to a committee of the whole house to-morrow.

The bill supplemental to an act entitled an act, allowing and regulating the writ of *ad quod damnum*, was read the second time, and ordered to be engrossed and read a third time to-morrow.

The bill to amend the several acts now in force, relative to assessing and collecting the revenue, was read the second time, and committed to a committee of Ways and Means.

The memorial and joint resolution, on the subject of procuring a further extension of the several acts of Congress, for the relief of debtors for public lands, was read the second time, and ordered to be engrossed and read a third time to-morrow.

The bill to exempt Ministers of the Gospel from serving on juries in criminal cases, was read the second time, and committed to the same committee of the whole house, to which was committed the bill to amend the act relative to crimes and punishments.

The bill to amend the act, subjecting real and personal estate to execution, was read the second time, and committed to the Judiciary committee.

The bill for the relief of Thomas Wyatt, was

read the second time, and ordered to be engrossed, and read the third time to-morrow.

The engrossed bill supplemental to an act entitled an act, changing the mode of doing county business in the several counties therein named, approved January 26th, 1827, was read a third time and passed.

Ordered, That the same be entitled an act, and that the Clerk carry the same to the Senate, and ask their concurrence therein.

And then the House adjourned until 2 o'clock P. M.

2 o'clock P. M.

The House met pursuant to adjournment.

The house resolved itself into a committee of the whole, on the bill directing the mode of suing out and prosecuting writs of Habeas Corpus, and after some time spent therein, the Speaker resumed the chair, and Mr. Hawk reported the same with several amendments, which were again severally read at the Clerk's table, and concurred in by the house.

Mr. Craig moved further to amend said bill, by adding the following at the end of the last section, to wit:

"Or any person or persons in custody under authority or process of a law of the United States," which was disagreed to by the house.

Ordered, That said bill be engrossed and read a third time to-morrow.

The Speaker laid before the house the following Message from the Governor, to wit:

EXECUTIVE DEPARTMENT, }
INDIANAPOLIS, DECEMBER 12, 1827. }

Hon. H. H. Moore,

Speaker of the House of Representatives.

SIR:—Permit me through you, to lay before the

House of Representatives, a communication from Col. G. Bomford, together with an abstract of Arms and Military equipments, delivered to the State of Indiana, and a copy of the regulations for apportioning to the several states, such Arms and equipments. Presuming that these documents will be referred to the Military committee, I must be allowed to request, that the committee may return them to me, or to the office of the Quarter Master General, when they may have inspected them. They are useful to that department.

Respectfully your obedient servant,

J. BROWN RAY.

The above Message, with the documents accompanying the same, were read, and referred to the committee on Military Affairs.

The house resolved itself into a committee of the whole, on the bill supplemental to an act entitled an act regulating the admission and practice of Attorneys and Counsellors at law,

And after some time spent therein, the Speaker resumed the chair, and Mr. Allen reported said bill with one amendment,

Which was again read at the Clerk's table, and concurred in by the house.

Ordered, That said bill be engrossed and read a third time to-morrow.

And then the house adjourned until to-morrow morning 9 o'clock.

THURSDAY MORNING, DECEMBER, 13, 1827.

The house met pursuant to adjournment.

On motion of Mr. Graham,

Austin W. Morris, Enrolling Clerk of this house,

was called in and sworn into office by Obed Foote, one of the Justices of the Peace within and for the county of Marion, who proceeded in the discharge of his duties.

The Speaker laid before the house, an additional report of W. W. Wick, as Librarian of the state Library, which was read and referred to the same select committee to which was referred the first report.

Mr. Roberts presented a petition of Isaac Cox and others of Daviess county, praying part of said county to be attached to the county of Lawrence, which was read and referred to a select committee of Messrs. Roberts, Blair and Read of D. and M.

Mr. Allen presented a petition of Arthur Patterson and others, and C. D. Morris and others, citizens of Parke county, praying a certain amendment to the road law, so far as relates to said county of Parke, which were read and referred to the committee on roads.

Mr. Stevens from the Judiciary committee to whom was referred the petition of G. W. Johnston and others of Knox county, reported a bill to revive an act for the relief of such persons as have suffered or may hereafter suffer by the destruction of the records of the county of Knox, which was consumed by fire at Vincennes, in the year 1814, passed September 7th, 1814, which was read the first time, and passed to a second reading to-morrow.

Mr. Wallace from the committee on roads, to whom was referred the petition of Stephen Fleming and others of Parke county, made the following report, to wit:

The committee on roads, to whom was referred the petition of Stephen Fleming and others of Parke county, praying the location of a state road therein named, have had the same under their consideration, and have directed me to report,

That in their opinion, the laws of the land, as ad-

ministered in the ordinary courts of justice, are amply sufficient to furnish them with redress for any grievances complained of in said petition: they therefore ask to be discharged from the further consideration of the same.

The above report was read and agreed to by the house.

The Speaker laid before the house the following reports of B. I. Blythe, agent of the three per cent fund, and agent of State for the town of Indianapolis, to wit:

M





A statement of the situation of the 3 per cent. fund, December 1, 1827.

2^d Finance Office (12)
90-91

No. of Road.	Road Commissioners—Presidents first named.	Apportionment to Each road.	Drafts Paid.	Balances Due.
2	John I. Neely, Samuel Emerson, James Wasson,	6201 27	6201 27	162 05
3	Archibald Campbell, James Robb, John Case,	2374 73	2212 68	1 30
4	Andrew Cavit, Thomas Given, James Smith,	2375 43	2373 54	184 21
5	Isaac Montgomery, G. W. Teerault, William Barker,	2639 43	2315 22	381 11 3-4
6	William McCormick, Benjamin Stafford, Willis T aylor,	4335 93 1-2	4054 81 3-4	248 25 1-2
7	Michael Boushik, Samuel Snyder, Joseph D. Clements,	4205 40	3057 14 1-2	473 47 2-3
8	Samuel Chambers, John Anderson, Thomas Posey,	6561 86	6068 38 1-3	2 00
9	William Baird, G. W. Boon, Richard Beem,	7479 76	7477 76	154 88
10	Hugh McPheeters, Seth Woodruff, William Richards,	2254 64 1-6	2199 76 1-6	285 30
11	John G. Clendenin, John McDonald,	4402 25	4116 95	330 04
12	William P. Twilly, Joel Combs, R. H. Murray,	2316 15	1995 21	514 77 2-3
13	John M. Lemon, Benjamin Ferguson, Wm. Marshall,	2766 68	2231 90 1-3	150 04 1-12
14	William Plasket, William Reddick, James Ward,	2282 01	2431 96 11-12	7
15	Joshua Wilkinson, Wm. C. Barnwell, Samuel Wilson,	5068 19	5068 12	1 28 5-12
16	Simon Slawson, Joseph Malin, A. W. Stewart,	9895 06	9693 77	82 43 1-4
17	Stephen Ludlow, John Walker, Timothy Davis,	5380 19	5120 28	269 91
18	Samuel Shirk, David Mount, John Davis,	3212 81	3130 37 3-4	197 15
19	Zachariah Ferguson, John Perrin, Stanhope Royston,	3616 53	3419 38	193 02
20	J. C. Kibby, Patrick Baird, Isaac Abrahams,	3568 37	3568 37	200 69 1-2
21	John Way, Jesse Moorman, Joshua Foster,	2274 57	2081 55	
22	James Blake, J. M. Coleman,	1023 06	822 36 1-2	
23	James Lewis, Barticklow, Samuel Purcell,	851 06	851 06	
24	William Ballow, Peter Amerman, Franklin F. Sawyer,	498 07 1-2	423 07 1-2	
25	Wabash Fund,	1865 00	1427 34	1717 66
26	James McKimery, R. McIntire, A. Sargeant,	321 57 5-6	211 08 5-6	110 49
27	John Casidy, John Riggs,	1709 49	1332 40 2-3	377 08 1-3
28	Thomas Bradford, James Ball, Philip Hart,	638 92	638 92	
29	William Sanders,	712 69	712 69	
30	James Blake, William Conner,	500 00	500 00	
31	William Folke, (special appropriation),	114 00	114 00	
32	Samuel Hinman, Paul Castleberry, Reuben Bates,	479 88	274 00	
33	Rezin Davis,	600 00	500 00	205 86
		\$85,725 02	79,490 40 10-12	6234 61 2-12

Received from the Treasury of the United States, June, 1822, \$32,629 46

May, 1823, 17,657 84

March, 1824, 11,462 73

April, 1825, 10,798 09

May, 1826, 7,176 97

March, 1827, 7,352 54

Retained to meet agent's commission, \$87,277 63

1,752 61

Add amount paid William Sanders out of unexpended balances which will be retained next year, 35,525 02

200 00

Commissioners drafts reported last year \$73,347 40 9-12

Drafts since paid and now reported, 6,143 00 1-12

Apportioned to different roads,

83,725 02

79,490 40 10-12

Balance remaining on hand,

\$6,234 61 2-12

B. I. BLYTHE, Agent for 3 per cent. fund.

Indianapolis, December 1, 1827.

AGENT'S OFFICE, }

December 1, 1827. }

Since the first day of December last,
lots and squares have been sold to the
amount of

\$12 371 05

Cash received,

3 285 37

17 lots were relinquished last June,
and applied to the payment, 4 lots a-
mounting to

281 67

An allowance in back rents has been made for
improvements on the donation, to all such persons
as came within the provisions of the act, except to
Isaac Coe, who retains his improvements for two
years from March last, all the others were then re-
ated for three years.

I contracted in March last with Samuel J. and
Robert Patterson for building an office for the Clerk
of the Supreme Court, at \$429.

Some extra work has been done on the building,
which, together with the plans and estimates for
that and the Governor's house, may amount to
\$50.

I would recommend, if you think it advisable, a
sale of all the lands of the donation, immediately
north and south of the town: also the remainder of
a tier of squares within and on the south side of
the town, a part of which was sold last spring.

If you should deem it proper, I would ask for an
appropriation to enclose the circle, and I think a lot
should be reserved immediately adjoining, for the
Governor's use.

If it is intended that the state house be commen-
ced within two years, would it not be best to make
an appropriation this session for the purpose of pro-
curing materials. The lumber should be on the
ground, and the brick burned the season before the
building commences. The foundation must be

stone, and should be laid one year before it be built upon, that the frost may try out, and should it settle and crack, it ought to be taken down and rebuilt. In no other way can you have a good foundation for a heavy building in this place.

Respectfully submitted,

B. I. BLYTHE,

Agent of State.

On motion of Mr. Stevens,

So much of said reports as relates to the three per cent fund, was referred to the committee on roads, and so much as relates to the town of Indianapolis to the committee on the affairs of said town.

Mr. Stapp from the select committee to whom was referred the communication from Edward Tiffin, Surveyor General, and that part of the Message of the Governor, which relates to the northern boundary of this state, reported a joint resolution relative to the northern boundary of the state of Indiana, which was read the first time, and passed to a second reading to-morrow.

Mr. Stevens for himself and Mr. Judah, asked and obtained leave to be discharged from serving on the select committee to whom was referred that part of the Message of the Governor, which relates to the sovereignty of the public lands.

Messrs. Levenworth, M'Kinney and Kinnard were appointed on said committee.

Mr. Craig presented the following resolution for consideration, to wit:

Resolved, That the Judiciary committee be instructed to enquire into the expediency of allowing the President of the Senate, and the Speaker of the House of Representatives, each four dollars per day whilst acting as such.

And the ayes and noes being required by two members on the adoption of said resolution, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Adams, Allen, Bassett, Clendenin, Craig, Hawk, Huntington, Levenworth, Marshall, Slaughter, Stapp and Worth—12.

And those who voted in the negative are,

Messrs. Annable, Beard, Blair, Boon, Brown, Campbell, Claypool, Decoursey, De Pauw, Elliott, Graham, Hendricks, Irwin, Jackson, Johnson of P. Johnston of V. and W. Jones, Judah, Kinnard, Lemon, Lewis, Little, Lomax, Long, Matlock, M'Clure, M'Kinney, M'Pheeters, Newell, Pabody, Percy, Pollock, Read of D. and M. Reid of F. Roberts, Spann, Steele, Stevens, Veatch, Wallace, Watts, Wilson, Work, and Moore Sp'r.—44.

And so the house refused to agree to said resolution.

On motion of Mr. Kinnard,

Resolved, That the committee on the affairs of the town of Indianapolis, be instructed to enquire into the expediency of authorising an additional sale of lots in said town, and of appropriating a sum of money for the erection of a state house, on the lot set apart for that purpose, with leave to report by bill or otherwise.

On motion of Mr. Beard,

Resolved, That the committee of elections enquire if any and what amendments are necessary to the act entitled an act to provide for the election of Electors of President and Vice President of the United States, approved January 14, 1824, with leave to report by bill or otherwise.

Mr. Long presented the following resolution for consideration, to wit:

Resolved, That the committee on Military Affairs be instructed to report a bill to amend the acts regu-

lating the militia of this state, so as to require only two musters in each year, one company muster, and Regimental muster, and to authorise the court of assessment, to assess fines on delinquents, not exceeding one two dollars, nor less than twenty-five cents for each muster, and repeal the law requiring written notice, to be given to each private, and to allow each Regiment per cent. for collecting fines from persons conscientiously scrupulous of bearing arms, to be retained out of said money so collected.

Mr. Stapp moved to amend said resolution by striking out all that part, which relates to the number of musters; and,

On motion of Mr. Read of D. and M.

Said resolution was ordered to lie on the table.

On motion of Mr. Veatch,

Resolved, That a select committee be appointed to take into consideration the justice and expediency of passing a law to authorise the commissioners of the road from Fredonia to the Wabash river, to draw three hundred dollars of the money remaining in the hands of the agent of the three per cent fund to be appropriated to the construction of a bridge across little Pigeon creek, where the road crosses said creek.

Ordered, That Messrs. Veatch, Wallace and Clendenin be the committee in pursuance of said resolution.

On motion of Mr. Allen,

Resolved, That the committee on roads be instructed to enquire into the expediency of establishing a state road, commencing at the town of Indianapolis, thence west on the nearest and best route through Danville, in Hendricks county, thro' Rockville in Parke county, terminating at Montezuma, on the east bank of the Wabash.

On motion of Mr. Kinnard,

Resolved, That the committee on the affairs of

the town of Indianapolis be instructed to enquire into the expediency of reporting to this house, a bill setting a part a portion of the proceeds of the sales of lots in said town, for the use of a county Library for Marion county.

Mr. Adams presented the following resolution, to wit:

Resolved, That a select committee be appointed to report a bill to this house, investing the net proceeds of a certain judgment in favor of the state road commissioners, of the road leading from the Wabash by the high banks of White river to Indianapolis, against Philip Hedges and Isaiah Cooper, in the Circuit Court of Owen county, to three commissioners, citizens of Owen county, to be laid out on said road in the county of Owen, in such a manner as to them shall appear best for the public welfare.

The above resolution was read, and on the question will the house agree thereto, the same was decided in the negative.

On motion of Mr. Howk,

Resolved, That the committee on Elections be instructed to report a bill to this house as soon as practicable, providing for the qualified electors of the state, at the next general election, to express by vote, whether they are in favor of calling a convention or not, and also for a return of said votes to the office of the Secretary of State.

Mr. Claypool, after having obtained leave, presented a joint resolution, relative to the removal of the pension office from Corydon to Indianapolis, which was read the first time, and passed to a second reading to-morrow.

Mr. Bassett, after having obtained leave, presented a joint resolution relative to crimes and punishments, which was read the first time, and passed to a second reading to-morrow.

The house took up and proceeded to consider the orders of the day.

The joint resolution relative to the navigation of the Wabash river, was read the second time, and ordered to be engrossed and read a third time to-day.

The bill attaching a portion of territory to the county of Floyd, was read the second time, and committed to a committee of the whole house to-morrow.

The bill supplemental to an act entitled an act, to provide for carrying the laws into effect in new counties, was read the second time, and ordered to be engrossed and read a third time to-morrow.

The engrossed bill supplemental to an act entitled an act, allowing and regulating the writ of *ad quod damnum*, and the engrossed bill, supplemental to the act entitled an act, regulating the admission and practice of Attorneys and Counsellors at law, approved January 31st, 1824, were severally read a third time, and passed.

Ordered, That the same be entitled "Acts," and that the Clerk carry the same to the Senate, and ask their concurrence therein.

The engrossed bill for the relief of Thomas Wyatt, was read a third time, and the question being put, shall said bill pass? And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Annable, Bassett, Blair, Boon, Brown, Campbell, Clendenin, Craig, Decoursey, De Pauw, Elliott, Graham, Hendricks, Howk, Huntington, Jackson, Johnston of V. and W. Jones, Judah, Kinard, Lemon, Levenworth, Long, Marshall, M'Kinney, M'Pheeters, Newell, Pabody, Percy, Pollock, Reid of F. Roberts, Slaughter, Smiley, Spann, Stapp, Veatch, Wallace, Watts Wilson, Work, and Moore Sp'r.—42

And those who voted in the negative are,
Messrs. Adams, Beard, Claypool, Irwin, Johnson
of P. Lewis, Little, Lomax, Matlock, M'Clure,
Read of D. and M. Stevens, Steele & Worth.—14.

And so said bill passed.

Ordered, That the same be entitled "an Act,"
and that the Clerk do carry the same to the Senate,
and ask their concurrence therein.

The house resolved itself into a committee of
the whole, on the joint resolution, relative to the
navigation of the Miami of Lake Erie, and after
some time spent therein, the Speaker resumed the
chair, and Mr. Annable reported the same without
amendment.

Ordered, That the same be engrossed, and read
a third time to-day.

The house resolved itself into a committee
of the whole, on the joint resolution on the subject
of procuring from the United States, a section of
land in each county in this state, for the better sup-
port of the poor;

And after some time spent therein, the Speaker
resumed the chair, and Mr. Bassett reported progress,
and asked leave to sit again, and on the
question, shall such leave be granted, it was decided
in the negative.

And then the House adjourned until 2 o'clock
P. M.

2 o'clock P. M.

The House met pursuant to adjournment.

The house resumed the consideration of the joint
resolution on the subject of procuring from the United
States, a section of land in each county in this
state, for the better support of the poor. And,

On motion of Mr. Bassett,
The further consideration thereof was indefinitely postponed.

The engrossed joint resolution and memorial, on the subject of procuring a further extension of the several acts of Congress, for the relief of debtors to the United States for public lands, was read a third time,

And the question being put, shall said memorial and joint resolution be adopted; and the ayes and noes being required therein by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Adams, Allen, Annable, Bassett, Blair, Boon, Brown, Campbell, Claypool, Clendenin, Craig, Decoursey, De Pauw, Elliott, Graham, Hendricks, Hawk, Huntington, Jackson, Johnson of P. Johnston of V. and W. Jones, Judah, Kinnard, Lemon, Levenworth, Lewis, Little, Long, Marshall, M'Clure, M'Kinney, M'Pheeters, Newell, Pabody, Percy, Pollock, Read of D. and M. Reid of F. Roberts, Slaughter, Smiley, Spann, Steele, Stevens, Veatch, Wallace, Watts, Wilson, Work, Worth, and Moore Sp'r.—52.

And those who voted in the negative are,

Messrs. Irwin and Stapp—2.

And so said joint resolution and memorial were adopted by the house.

Ordered, That the Clerk carry the same to the Senate, and ask their concurrence therein.

The Speaker laid before the house the following communication from L. Dunlap, Adjutant General of this state, to wit:

To the Hon. H. H. Moore,

Speaker of the House of Representatives.

SIR:—In conformity to a resolution offered by Mr. Steele, I herewith furnish the house with an abstract of the annual return of 1826. The returns

made to this department for the present year, are so incomplete in shewing the efficient strength of the Militia, that it would not exhibit one half of its real strength, in consequence, I presume, of the law made at the last session, repealing the August muster.

Yours respectfully,

LIVINGSTON DUNLAP,

Adj't. Gen'l. Indiana Militia.

December 13, 1827.

The above communication, with the document accompanying the same, were referred to the committee on Military Affairs.

The house resolved itself into a committee of the whole, on the bill to establish a canal to connect the navigable waters of the Wabash river, with the navigable waters of the Miami of Lake Erie;

And after some time spent therein, the Speaker resumed the chair, and Mr. Blair reported progress, and asked leave to sit again, which leave was granted by the house.

And then the house adjourned until to-morrow morning 9 o'clock.

FRIDAY MORNING, DECEMBER, 14, 1827.

The house met pursuant to adjournment.

Mr. Allen presented a petition of Joseph M. Hayes and others, and John Beard and others, and Isaac Edwards and others, and also of J. L. Sloan and others, citizens of Parke county, praying authority to locate a state road from Cox's ferry upon Racoon creek, by the way of Montezuma, Covington, Attica, and Lafayette to Fort Wayne, which were read and referred to the committee on roads.

Mr. Clendenin presented a claim of Thomas Coffin of Orange county, praying payment for certain work done by him for the state at the French lick, which was referred to the committee on claims.

Mr. Stevens from the Judiciary committee, to whom was referred a resolution of this house on that subject, reported a bill relative to limited partnerships, which was read the first time, and passed to a second reading to-morrow.

Mr. Stevens from the Judiciary committee, also made the following report, to wit:

The committee on the Judiciary, to whom was committed a resolution of this house, directing them to enquire into the expediency of authorising Justices of the Peace to call a jury, and try persons charged with the crime of assault and battery, and assess fines in such cases, to the amount of twenty dollars, have had the same under their consideration, and have directed me to report:

That it is inexpedient to legislate on that subject.

Which report was read, and,

On motion of Mr. Claypool,

The same was ordered to lie on the table.

Mr. Stevens from the same committee to whom was referred the resolution of this house, presented by Mr. McClure on that subject, reported a bill respecting the Knox county Seminary, which was read the first time, and ordered to a second reading to-morrow.

Mr. Stevens from the same committee also made the following report, to wit:

The committee on the Judiciary, to whom was committed, "a bill to amend an act subjecting real and personal estate to execution," have had the same under their consideration, and have directed me to report:

That the act entitled "an act supplementary to an act entitled an act, subjecting real and personal estate to execution, and for other purposes," ap-

proved February 12, 1825, amply provides for every thing, contemplated by the said bill committed as aforesaid to said committee—Therefore,

The committee recommend the adoption of the following resolution, to wit:

Resolved, That the further consideration of said bill be indefinitely postponed; and;

On the question being put, will the house agree to said report, the same was decided in the negative.

On motion of Mr. Stevens,

Said bill was recommitted to a select committee of Messrs. Decoursey, Stapp and Claypool.

Mr. De Pauw from the committee on the affairs of the town of Indianapolis, made the following report, to wit:

The standing committee on the affairs of the town of Indianapolis, to whom was referred the report and accompanying documents of Samuel Merrill, Treasurer of the state, and Benjamin I. Blythe, Agent of State for the town of Indianapolis, in relation to their agency, in making a contract for the erection of a building for the residence of the Executive of state, now report:

That they have had that subject under their consideration, and agree in opinion, that the practice of public agents transcending the limits and powers given them by law, should not in the general, be countenanced;

But in this case your committee deeming the sum appropriated, and the time given by law, to do the work, inadequate to the completion of such a building as the site demands, are impressed with the belief, that the contract alluded to in the said report, is an advantageous one to the state, and should be confirmed;

And therefore, in accordance with that impression, have directed me to report a bill on that subject, and recommend the passage of the same.

Mr. De Pauw then presented a bill, making an appropriation for the completion of the house for the use of the executive of state, and for other purposes, which was read the first time, when

Mr. Kinnard moved to reject said bill, which motion he afterwards withdrew, and said bill was ordered to a second reading to-morrow.

Mr. Worth from the select committee to whom was recommitted the bill attaching part of the county of Clay to the county of Owen, with certain instruction, &c. made the following report, to wit:

The select committee to whom was recommitted the bill attaching part of the county of Clay to the county of Owen, with instructions to ascertain if the county of Owen has been reduced below its constitutional size by the formation of the county of Clay, ask leave to report:

That agreeably to the best evidence within the reach of your committee, the county of Owen has been reduced between 7 and 8 square miles below its constitutional limits, by the formation of the county of Clay. Your committee would further suggest that the sections of land named in the bill aforesaid, lie adjoining the county of Owen, and in case of an enlargement of said county, would form a convenient portion of territory to attach to the same.

Said report being read,

On motion of Mr. Percy,

Said bill and report was recommitted to a select committee of Messrs. Johnson of P. Smiley and Watts.

A message was received from the Senate by Mr. Farnham their Assistant Secretary, announcing that the Senate have passed a joint resolution of the General Assembly, and that they have passed an engrossed bill, entitled an act to organize the coun-

ty of Hancock, in which joint resolution and bill, the concurrence of this house is requested.

The said joint resolution and bill were read the first time, and passed to a second reading to-morrow.

Mr. Matlock from the select committee to whom was referred several petitions on that subject, reported a bill for the formation of a new county out of the county of Wabash, which was read the first time, and passed to a second reading to-morrow.

The Speaker laid before the house the following Message from the Governor, to wit:

EXECUTIVE DEPARTMENT, }
INDIANAPOLIS, DECEMBER 12, 1827. }

Hon. H. H. Moore,

Speaker of the House of Representatives.

SIR:—The undersigned begs leave to lay before the House of Representatives a correspondence between the Executive of Indiana and the commissioner of the General Land Office, relative to the northern boundary of this state and the line dividing Indiana from Illinois. At the date of Mr. Graham's first letter, you will perceive that he remained uninformed as to the establishment of the state line between this state and Illinois; and supposed that the Executive of Indiana might be authorised to send an agent to act in conjunction with one which the Surveyor General might appoint, to establish the boundary between this state and Michigan territory. My letter of the 10th of June last, accompanying a plat, memorandum and report of the proceedings and establishment of the said line between Indiana and Illinois, which I procured to be made and sent to the proper department, and giving the information that I was not authorised to appoint an agent, obviated all difficulty. The line has consequently been settled to the north, and the lands adjoining Illinois will be surveyed.

Respectfully your obedient servant,

JAMES B. RAY.

Documents accompanying the above Message.

GENERAL LAND OFFICE, }
April 12, 1827. }

SIR:—I have the honor to enclose for your information, a copy of an act of Congress, passed at the last session, for the purpose of ascertaining the boundary line between Indiana and the Territory of Michigan, together with the copy of a letter from this office to the Surveyor General, instructing him to cause said line to be run.

Although the state of Illinois is not directly interested in the establishment of that point which may be the southern extreme of Lake Michigan, yet she is interested in that boundary line of the state of Indiana which runs due north, from a point on the Wabash to Lake Michigan, at that time not having been run and marked previous to the admission of the state of Indiana and Illinois into the Union, can now only be run and designated under the joint sanction of those states. I take the liberty of mentioning this subject, because the U. S. are now experiencing and will continue to experience considerable inconvenience, in consequence of the delay in establishing this boundary between the states of Illinois and Indiana, and until it shall be established, the public lands immediately adjacent to the line, can neither be surveyed or brought into market.

With great respect, I am
 Your obedient servant,

GEO. GRAHAM

His Excellency, J. BROWN RAY,
 Indianapolis.

GENERAL LAND OFFICE, }

April 12, 1827. }

SIR:—I forward to-day a copy of the acts of the last session of Congress. Among them you will find one to authorise the President of the United States to ascertain and designate the northern boundary of the state of Indiana. The title of this act ought to have been to ascertain and designate the southern boundary of the Territory of Michigan.

The President, however, requests that you would take the necessary measures for causing the line to be surveyed, marked and designated, which divides the Territory of Michigan from the state of Indiana, agreeably to the boundaries of said state, as established by an act passed on the 19th of April, 1826.

Agreeably to the provisions of that act, the northern boundary of the state of Indiana is a line drawn due east and west, through a point which is 10 miles north of the southern extreme of Lake Michigan. This point I believe has never been established by the joint sanction of the United States and state of Indiana. It is therefore proper that you communicate with the Governor of that state on this subject, and if he be authorised or disposed to send an agent to attend the establishing and running the line, you will in that case fix upon such period for executing the same, as may entirely comport with the views of the Executive of Indiana.

A copy of this letter will be forwarded to Governor Ray.

The President requests that the expense incurred in running this line may not exceed the amount designated in the act.

With great respect,

Your obedient servant,

EDWARD TIFFIN, Esq.

Chillicothe, Ohio.

Be it enacted, &c. That the Surveyor General, under the direction of the President of the United States, be, and he hereby is authorised and required to cause to be surveyed, marked and designated, the northern boundary line of the state of Indiana, as divides said state from the Territory of Michigan, agreeably to the boundary established by the act, entitled, "An act to enable the people of the Indiana territory, to form a constitution and state government, and for the admission of such state into the Union, on an equal footing with the original states," approved April the 19th, 1816; and to cause to be made a plat or plan of the said northern boundary of the state, particularly noting the place where the boundary line intersects or touches the margin of Lake Michigan, and return the same, when made to Congress: *Provided*, that the whole expense of surveying and making the line shall not exceed \$5 for every mile that shall actually be surveyed and marked, which shall be paid out of the monies appropriated for defraying the expense of surveying public lands, approved 2nd March, 1827.

(COPY.)

EXECUTIVE DEPARTMENT, }
INDIANAPOLIS, JUNE 10, 1827. }

SIR:—Your communication of the 12th of April, 1827, together with a copy of an act of Congress, passed at the last session, for the purpose of ascertaining the boundary line between Indiana and the Territory of Michigan, and a copy of your letter of the 12th of April, aforesaid, to the Surveyor General, has been duly received, and is now before me.

You seem not to be aware that the boundary line of the state of Indiana, which runs due north from a point on the Wabash river to Lake Michigan, has

been run and designated under the joint sanction of the states of Indiana and Illinois.

As it is probable that a copy of these proceedings has not yet been filed in your office, I now take the liberty of enclosing one for your information. If this should be deemed satisfactory, I presume no further step will be necessary in relation to the boundary line between this state and Illinois, to enable the President of the United States to authorise the survey and sales of the lands of the United States, adjacent to the said line.

I have been waiting with anxiety to hear from the Surveyor General, on the subject of that part of your communication, that relates to ascertaining and designating the southern boundary of the Territory of Michigan, but have not received any thing from him on that subject.

The Executive of Indiana is not yet authorised to take any step towards sending an agent to attend the establishing of the said line; but the whole matter will be laid before the next General Assembly of this state, on their meeting in December next; and no doubt is entertained but that the General Assembly will authorise an agent to act in conjunction with such person as the Surveyor General may appoint to carry the intention of the said act fully into effect.

I have the honor to be, very

Respectfully your obedient servant,

J. BROWN RAY.

GEO. GRAHAM ESQ.

Commissioner of the General Land Office.

TREASURY DEPARTMENT.

GENERAL LAND OFFICE, }
Nov. 13, 1827. }

SIR:—I have the honor to acknowledge the re-

ceipt, through the War Department, of your communication of the 10th June last, transmitting a copy of the plat of the boundary line between the states of Indiana and Illinois, with a copy of the field notes of the survey of the same. This information will be immediately communicated to the Surveyor, with a view to ascertain the fractions of the public lands on either side of the line.

I have the honor to be

With great respect,

Your obedient servant,

GEO. GRAHAM.

His Excellency, J. B. RAY,
Governor of Indiana.

Mr. Hendricks from the select committee to whom was referred the petition of Moses Ray and others of Shelby county, reported a bill attaching a part of the county of Shelby to the county of Decatur, which was read the first time, and passed to a second reading to-morrow.

On motion of Mr. Slaughter,

Resolved, That the committee on the Judiciary be instructed to enquire into the expediency of so amending the 8th section of an act to amend the act entitled "An act to regulate the Judicial circuits, and fixing the terms of holding courts," approved February 12, 1825, so as to make it the duty of the Sheriff to give the jurors a certificate of the number of days each of them serve, which certificate shall be presented to the county board of Justices or commissioners as the case may be, and the court doing county business, shall direct an order to be drawn in favor of each juror, on the county treasury for the number of days each have served, and that the same be paid as other county claims are paid.

Mr. Read of D. and M. presented the following resolution, to wit:

Resolved, That the Judiciary committee be instructed to enquire into the expediency of repealing the act now in force, authorising petit jurors to receive pay out of the county treasury.

And on the question being put, shall said resolution be adopted, the same was decided in the negative.

On motion of Mr. Johnson of P.

Resolved, That the committee on the Judiciary be instructed to enquire into the expediency of so amending the probate law as to allow the probate court in counties, where the circuit court commences on Thursday, to commence and hold their probate court one week earlier than they are by the present law allowed to hold the same.

Mr. M'Clure presented the following resolution for consideration, to wit:

Resolved, That the Judiciary committee be requested to enquire into the expediency of so amending the present execution law, providing that sales of property taken in execution, when the stay granted upon freehold security has not been availed of, shall be sold by the Sheriff or other officer, on a credit equal to the stay allowed in such cases, and that he take judgment bonds for the amount sold upon which execution shall issue, if not duly paid, and if a second seisure be necessary, the property shall be sold for cash.

And on the question being put, will the house agree to said resolution? the same was decided in the negative.

On motion of Mr. Kinnard,

The house took up and proceeded to consider the resolution offered by him, relative to calling on the agents for building a house for the use of the Governor, for certain information, &c.

Mr. Kinnard then moved to amend said resolution, by striking the same out from the resolving clause, and inserting the following in lieu thereof:

"That the agents appointed under an act of the last General Assembly, to make a contract for the erection of the Governor's house be required to lay before this house all the proposals submitted to them, together with a statement of the amount of money actually expended, and the progress of the work.

A division of the question being called for, the question was taken on striking out as proposed by Mr. Kinnard, which was carried in the affirmative.

Mr. Stevens then moved to amend the amendment proposed by Mr. Kinnard, by striking out all the words after the word *together* inclusive, which was carried in the affirmative.

The amendment proposed by Mr. Kinnard as amended, was then agreed to by the house.

The question then recurring on the adoption of said resolution as amended, which reads in the words following:

"*Resolved*, That the agents appointed under an act of the last General Assembly, to make a contract for the erection of the Governor's house be required to lay before this house, all the proposals submitted to them."

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Allen, Beard, Blair, Boon, Campbell, Claypool, Clendenin, Decoursey, De Pauw, Elliott, Graham, Hendricks, Hawk, Huntington, Irwin, Johnson of P. Johnston of V. and W. Jones, Judah, Kinnard, Little, Long, M'Kinney, M'Pheeters, Newell, Percy, Pollock, Read of D. and M. Reid of F. Roberts, Smiley, Spann, Stapp, Stevens, Veatch, Wallace, Watts, Work and Worth,—39.

And those who voted in the negative are,

Messrs. Adams, Annable, Bassett, Brown, Craig, Jackson, Lemon, Levenworth, Lewis, Lomax, Marshall, Matlock, M'Clure, Pabody, Slaughter, Steele, Wilson, and Moore Sp'r.—18.

And so said resolution was adopted.

And then the House adjourned until 2 o'clock P. M.

2 o'clock P. M.

The House met pursuant to adjournment.

On motion of Mr. Pollock,

Resolved, That a committee be appointed to enquire into the expediency of increasing Constables fees for summoning juries in civil cases; and that they report by bill or otherwise.

Ordered, That Messrs. Pollock, Bassett and Jones be the committee in pursuance of said resolution.

On motion of Mr. Bassett,

Resolved, That the Judiciary committee, be instructed to enquire into the expediency of so changing the present law, relative to the settlement of decedents estates, that one Probate Judge be appointed in each county for the settlement of such estates.

On motion of Mr. Craig.

Resolved, That the committee on the Judiciary be instructed to enquire into the expediency of repealing all the laws now in existence, relative to the office of circuit prosecutors in this state, prescribing the mode of their appointment and defining their powers and duties.

Mr. Wilson presented the following resolution, to wit:

Resolved, That the judiciary committee be instructed to report a bill to this House, reducing the salary of prosecuting attorneys within this state.

Mr. Craig moved to amend said resolution by adding at the end thereof, the words following, to wit:

"To one hundred dollars," which was carried in the affirmative.

Mr. Stevens moved further to amend said resolution, so as to refer the same to the select committee to whom was referred the resolution of this House, directing an enquiry into the expediency of striking out of the list of fees, the docket fee allowed to attorneys, &c. which was decided in the negative.

Mr. Huntington moved further to amend said resolution so as to direct said committee to "*enquire into the expediency* of reporting a bill to reduce the salaries, &c." which was decided in the negative.

And the question being then put, shall said resolution as amended be adopted by the House? The same was decided in the negative.

Mr. Stevens after having obtained leave, presented a joint Resolution respecting the office of the clerk of the District Court of the United States for the district of Indiana, which was read the first time and passed to a second reading to-morrow.

The House took up and proceeded to consider the orders of the day.

The bill to revive the act entitled an act for the relief of such persons as have or may hereafter suffer by the destruction of the records of the county of Knox, which were consumed by fire at Vincennes in the year 1814, passed September 7th, 1814, was read the second time and ordered to be engrossed and read a third time to-morrow.

The joint resolution relative to the Northern boundary of the State of Indiana, was read the second time and ordered to be engrossed and read a third time to-morrow.

The joint resolution relative to crimes and punishments, was read the second time and committed to a committee of the whole House to-morrow.

The joint resolution relative to the removal of the

Pension Office from Corydon to Indianapolis, was read the second time, when Mr. Slaughter moved to postpone the further consideration of said joint resolution indefinitely.

And the ayes and noes being required thereon by two members, the same are as follows, to wit.

Those who voted in the affirmative are,

Messrs. Allen, Blair, Campbell, Clendenin, Craig, Decoursey, De Pauw, Howk, Huntington, Johnson of P. Johnston of V. and W. Judah, Lemon, Levenworth, Little, Marshall, M'Pheeters, Newell, Read of D. and M. Roberts, Slaughter, Stevens, Veatch, Wallace, Watts, Work, Worth, and Moore Sp'r —28.

And those who voted in the negative are,

Messrs. Adams, Annable, Beard, Bassett, Boon, Brown, Claypool, Elliott, Graham, Hendricks, Irwin, Jackson, Jones, Kinnard, Lewis, Lomax, Long, Matlock, M'Clure, Pabody, Percy, Pollock, Reid of F. Smiley, Spann, Stapp, Steele and Wilson—28.

And so said motion was decided in the negative.

Mr. Slaughter then moved that said joint resolution be considered as engrossed, and read a third time now, which was also decided in the negative.

Ordered, That said joint resolution be engrossed, and read a third time to-morrow.

The engrossed joint resolution relative to the navigation of the Wabash river, was read a third time and passed.

Ordered, That the Clerk carry the same to the Senate, and ask their concurrence therein.

The engrossed bill supplemental to an act entitled an act to provide for carrying the laws into effect in new counties, was read a third time, and passed.

Ordered, That the same be entitled an act, and that the Clerk carry the same to the Senate, and ask their concurrence therein.

A message was received from the Senate by Mr. Farnham, their Assistant Secretary, announcing that the Senate have passed bills of the following titles, viz.

An act to continue the state road from Bono to Terre-Haute.

An act to authorise persons to retail spiritous, or strong liquors without the requisitions of a tavern keeper.

An act to provide for the purchase of stationary for the use of the General Assembly, and also for the public printer.

And also an engrossed joint resolution relative to purchasers of public lands.

In which acts and joint resolutions, the concurrence of this house is requested.

The above engrossed bills, entitled acts from the Senate, and the joint resolution, were severally read the first time, and passed to a second reading to-morrow.

The house again resolved itself into a committee of the whole, on the bill to establish a canal to connect the navigable waters of the Wabash river with the navigable waters of the Miami of Lake Erie; and after some time spent therein, the Speaker resumed the chair, and

Mr. Boon reported said bill with several amendments, which were concurred in by the house generally.

Ordered, That said bill be engrossed and read a third time to-morrow.

And then the house adjourned until to-morrow morning 9 o'clock.

SATURDAY MORNING, DECEMBER 15, 1827.

The House met pursuant to adjournment.

The Speaker laid before the house the following communication from Samuel Merrill and B. I. Blythe, agents for building the house for the use of the Executive of this state, in pursuance of a resolution of this house of yesterday, to wit:

The Speaker of the House of Representatives.

The undersigned who were appointed by an act of the last General Assembly, to contract for the erection of a house on the Governor's circle, "on such terms and conditions as they might think advantageous to the state, and in such form and fashion as they might direct," respectfully report:

That they have contracted with Messrs. Bishop, Culbertson, Smith and Speaks for the erection of the said house, for the sum of six thousand and forty dollars, on condition that said contract should be approved by the Legislature. For further particulars respecting the contract, a reference is requested to the original article which is herewith submitted.

The undersigned were at some loss, and at one time differed in opinion as to the meaning of the statute, but on reflection they adopted a plan, which they conceived, came within the spirit of the act, which seemed to be that the terms and conditions of the contract should be advantageous to the state.

At an early period they ascertained that a *good contract* could not be made for finishing the house by the time mentioned in the statute. In fact the possibility of completing a house within that time, which would satisfy even moderate expectations on the subject, was very much doubted by persons acquainted with the difficulties of procuring lumber in

this place at an early season of the year. It was well understood, that a much larger sum must have been paid, if further time than that mentioned in the act had not been allowed.

The undersigned therefore concluded to give reasonable time for procuring good materials, and to erect such a building as the peculiar situation of the spot on which it was to be placed, seemed to require. It will be seen when compared with the price paid for the court house in Indianapolis, that the house under consideration, though one fourth larger, will cost the state eight thousand dollars less.

The undersigned from a careful examination of the last sales of lots in this town, are confidently of the opinion, that a sum far exceeding the difference between the appropriation, and the amount specified in the contract, has already been gained to the state by the proposed plan of erecting the house.—No doubt on this subject can be entertained, by any one who will examine the prices of lots on Market and Meridian streets, which lead to the circle, and compare them with the prices of lots on other streets not more remote from the centre of business.

An additional reason with one of the undersigned for agreeing to the proposed plan, and uniting harmoniously with his colleague to effect it, was the importance of settling difficulties that threatened to arise, about changing the plan of the town, and if this be deemed a compromise of opinion in him to effect so desirable an object, it was, he thinks, an advantage cheaply purchased.

Respectfully submitted,

S. MERRILL, *Treas'r. of State,*

B. I. BLYTHE, *Agent of State.*

December 10, 1827.

The above report was read and referred to the committee on the affairs of the town of Indianapolis.

Mr. Reid of F. presented a petition of Joseph S. Allen and others, and Robert Reeds and others, and John Thompson and others, citizens of the counties of Franklin and Union, praying authority to locate a state road from Whitworth's saw-mill, by Bath to the Ohio line, on or near the line dividing the counties of Franklin and Union, which were read and referred to the committee on roads.

Mr. Brown presented the remonstrance of James Osborn and others, against the prayer of the above petitioners, which was read and referred to the same committee.

Mr. Stevens from the Judiciary committee to whom was committed the petition of John Whisermund, Administrator of the estate of Ezra Wilcox deceased, made the following report thereon, to wit:

The committee on the Judiciary to whom was committed the petition of John Whisermund, Administrator of the estate of Ezra Wilcox deceased, late of Monroe county, praying the Legislature to authorise him, as such Administrator, to sell certain land belonging to said estate: have had that subject under consideration, and have directed me to report:

That the petitioner asks the Legislature to act in a judicial capacity, and adjudicate on a statement of facts which he presents. The committee had no reason to doubt the existence of the facts, but they believe it to be a subject exclusively within the jurisdiction and control of the Judiciary department, and that any legislative act as asked for, would be void and useless.

The committee further believe, that if any injury results to the said estate, by reason of any thing set forth in said petition, that it is the result of the negligence of the Administrator, and that legislative aid cannot remedy the case.

Therefore, the committee recommend the adoption of the following resolution, to wit:

Resolved, That the prayer of the petitioner ought not to be granted.

Which report was read and concurred in by the house.

Mr. Huntington from the select committee to whom was referred the resolution of this house, on the subject of procuring a repeal of the duty on Turk's Island Salt, made the following report, to wit:

The committee to whom was referred the resolution to enquire into the propriety of instructing our representatives in Congress to procure a repeal of the duty on *Turk's Island Salt*: have had the same under consideration, and beg leave to report:

That from the view they have taken of the subject, they deem it proper and expedient to give such instructions to our Senators and Representatives in the Congress of the United States as will be calculated to direct their attention to the remedy of an evil which exists in the western country to such an extent, as in their opinion to require legislative interposition.

An important production of the western states is pork; which cannot be packed and cured fit for exportation, in the salt produced from the salines of this country; consequently a large quantity of Turk's Island or other foreign salt, is required for that purpose. We are aware, however, that the duties accruing on imported salt, form a considerable item in the revenue of the United States, but would respectfully suggest the propriety of raising that amount of revenue from luxuries or other importations of less necessity.

We approve of the policy of protecting home industry and manufactures, and would disapprove of any policy which would have a tendency to dis-

courage the manufacture of the article of salt in our own country, or paralyze the exertion of enterprising individuals, in searching out and bringing into use the saline waters, which are supposed to be abundant among us. In the manufacture of most other articles, the production of our own industry, there is, and we trust ever will be sufficient competition to protect the farmer against the influence of speculating capitalists. But in the article of salt, it is not now the case, and we have much reason to fear it will be many years before we are entirely independent of the foreign article.

But the greatest evil of which we now complain, is the effects of an oppressive monopoly, by which an exorbitant price is extorted from every class of community, for an article of indispensable necessity. And at the same time that the consumer of the article is laid under a heavy and involuntary contribution to the speculator; the actual manufacturer of the article is not benefited, as we believe, by the excessive price, and your committee therefore recommend the passage of the joint resolution herewith presented.

Mr. Huntington then presented a joint resolution on the subject of procuring a repeal of the duty imposed on Turk's Island Salt, by the United States, which was read the first time, and passed to a second reading on Monday next.

On motion of Mr. Reid of F.

Resolved, That the committee on the Judiciary be requested to enquire into the propriety of so amending the law, governing trials of the right of property taken in execution before Justices of the Peace, so as to give to the execution party the right to make witnesses of the claimant, and execution defendant.

On motion of Mr. M'Pheeters,

Resolved, That the committee of Ways and

Means be instructed to enquire into the expediency of amending the law relative to the listing of tax-property in the several counties in this state.

Mr. Annable presented the following resolution, to wit:

Resolved, That the committee on the Judiciary be instructed to enquire into the expediency of so amending the law in relation to the pay of prosecuting Attorneys, as to do away the docket fee for convictions, and to give them a certain and reasonable salary, to be paid out of a fund which should be raised by imposing a certain tax upon every persons convicted of criminal offences or misdemeanors, which tax shall be in lieu of the docket fee, which they now pay; and,

On the question being put, shall said resolution be adopted by the house? the same was decided in the negative.

Mr. Beard after having obtained leave, presented a bill to locate and open a state road from Crawfordsville to Indianapolis, which was read the first time, and ordered to a second reading on Monday next.

The Speaker laid before the House the following communication, with accompanying documents, from His Excellency the Governor, to wit:

EXECUTIVE DEPARTMENT, }
INDIANAPOLIS, DEC. 15, 1827. }

Hon. H. H. Moore,

Speaker of the House of Representatives.

SIR:—The undersigned requests you to lay before the House of Representatives, the accompanying report of a committee, appointed by the Executive of Indiana last summer, to examine into the situation of the States' Prison, in pursuance of law; and also a contract made with the superintendent of the

Prison by the agent of the Governor, to expire on the twentieth day of May next, with the annexed bond.

It is only necessary for me to add, that as the law authorising this duty to be performed, makes no provision for the payment of the committee, it will be for your body to make such an allowance for their services and expenses as your judgment may permit.

I have the honor to be, very

Respectfully, your obedient servant,

J. BROWN RAY.

The above message, with the documents accompanying the same, were read and referred to the committee on the affairs of the State Prison.

The house took up and proceeded to consider the orders of the day.

The bill relative to the Knox county Poor House, was read a second time, and committed to a committee of the whole house on Monday next.

The bill making an appropriation for completing the house for the use of the Executive of this state, and for other purposes, was read a second time, and

On motion of Mr. Stevens,

The same was recommitted to the committee on the affairs of the town of Indianapolis.

The bill relative to limited partnerships, and the bill for the formation of a new county out of the county of Wabash, were read the second time, and committed to a committee of the whole house on Monday next.

The bill attaching a part of the county of Shelby to the county of Decatur, was read a second time, and,

On motion of Mr. Smiley,

Said bill was laid on the table.

The joint resolution respecting the office of the Clerk of the District Court of the United States for the District of Indiana, was read a second time, and ordered to be engrossed, and read a third time on Monday next.

The engrossed bill from the Senate, entitled "An act to organize the county of Hancock, was read a second time, and ordered to be read a third time on Monday next.

The engrossed joint resolution from the Senate, relative to domestic manufactories and internal improvements, was read the second time; when,

Mr. Stapp moved to lay the same on the table, which was decided in the negative.

Said joint resolution was then committed to a committee of the whole house on Monday next.

The engrossed bill from the Senate, entitled "An act to continue the state road from Bono to Terre-Haute, was read the second time, and committed to a committee of the whole house on Tuesday next.

The engrossed bill from the Senate, entitled "An act to provide for the purchase of stationary for the use of the General Assembly, and for the public printing, was read the second time, and ordered to be read the third time on Monday next.

The engrossed joint resolution from the Senate, relative to the purchasers of public lands, was read the third time;

And the question being put, shall said joint resolution pass?

And the ayes and noes being required thereon, by Messrs. Stapp and Irwin, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Adams, Allen, Annable, Beard, Bassett, Blair, Boon, Brown, Campbell, Claypool, Craig, Decoursey, De Pauw, Graham, Hendricks, Howk, Huntington, Irwin, Jackson, Johnson of P. Johnston of

V. and W. Jones, Judah, Kinnard, Lemon, Levenworth, Lewis, Little, Lomax, Long, Marshall, Matlock, M'Clure, M'Kinney, M'Pheeters, Newell, Pabody, Percy, Pollock, Read of D. and M. Reid of F. Roberts, Slaughter, Smiley, Spann, Stapp, Steele, Stevens, Veatch, Watts, Wilson, Work, Worth and Moore Sp'r—54.

And those who voted in the negative are *none*.

And so joint resolution passed.

Ordered, That the Clerk inform the Senate thereof.

The engrossed bill from the Senate, entitled "An act to authorise persons to retail spiritous or strong liquors, without the requisitions of a tavern keeper, was read the second time, and committed to a committee of the whole house on Monday next.

The engrossed bill to revive an act entitled "An act for the relief of such persons as have or may hereafter suffer by the destruction of the records of the county of Knox, which were consumed by fire at Vincennes in 1814, passed September 7th, 1814, was read a third time and passed.

Ordered, That the same be entitled an act, and that the Clerk carry the same to the Senate, and ask their concurrence therein.

The joint resolution relative to the removal of the Pension Office from Corydon to Indianapolis, was read the third time; and,

On motion of Mr. Slaughter,

The same was ordered to lie on the table.

The engrossed joint resolution relative to the northern boundary of the state of Indiana, was read a third time and passed.

Ordered, That the Clerk carry the same to the Senate, and ask their concurrence therein.

The engrossed bill to establish a canal to connect the navigable waters of the Wabash river with the

navigable waters of the Miami of Lake Erie, was read a third time, and passed unanimously.

Ordered, That the same be entitled an act, and that the Clerk carry the same to the Senate, and ask their concurrence therein.

And then the House adjourned until 2 o'clock P. M.

2 o'clock P. M.

The House met pursuant to adjournment.

The engrossed bill directing the mode of suing out the writ of Habeas Corpus, was read a third time and passed.

Ordered, That the same be entitled an act, and that the Clerk carry the same to the Senate, and ask their concurrence therein.

The house resolved itself into a committee of the whole, on the bill to ascertain the value of taxable property, and after some time spent therein, the Speaker resumed the chair, and Mr. Brown reported progress, and asked leave to sit again, which leave was granted by the house.

And then the house adjourned until Monday morning 9 o'clock.

MONDAY MORNING, DECEMBER 17, 1827.

The house met pursuant to adjournment.

Mr. Jackson presented a petition of the board of supervisors, and court doing county business; in the county of Dearborn, and of Thomas Longley and other citizens of said county, praying authority may be given, by law, to said board or court doing county

business, to levy an additional tax on said county, for the purpose of defraying its debts;

Which was read and referred to a select committee of Messrs. Jackson, Craig, Lewis, Bassett, Pollock and Decoursey.

Mr. Stevens, from the Judiciary committee, to whom was referred the petition of the board of justices and others of Clay county, reported a bill respecting the state and county revenue, due from the county of Clay for the year 1826;

Which was read a first time and passed to a second reading to-morrow.

Mr. Stapp from the committee on Military affairs to whom was referred so much of the Governor's message, as relates to the militia of this state and the public arms; and to whom was referred sundry documents on the subject of public arms; and to whom was referred sundry resolutions of this house, on that subject, reported a bill to amend an act entitled "An act to regulate the militia of the state of Indiana;"

Which was read the first time and passed to a second reading to-morrow.

Mr. De Pauw, from the committee on the affairs of Indianapolis, to whom was recommitted the bill making an appropriation for completing the house for the use of the Executive of State, and for other purposes, reported the same without amendment.

Said bill was then committed to a committee of the whole house to-morrow.

Mr. Johnson, of P. from the select committee to whom was recommitted the bill attaching part of the county of Clay to the county of Owen, reported the same, with one amendment; which was read, and agreed to by the house.

Mr. Percy moved to postpone the further consideration of said bill, until the first Monday in December next;

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Allen, Bassett, Beard, Brown, Decoursey, De Pauw, Elliott, Howk, Huntington, Irwin, Johnston of V. and W. Jones, Lewis, Little, Lomax, Matlock, M'Clure, M'Kinney, M'Pheeters, Newell, Pabody, Percy, Pollock, Roberts, Steele, Wilson and Work—27.

And those who voted in the negative are,

Messrs. Adams, Annable, Blair, Boon, Campbell, Clavpool, Clendenin, Graham, Hendricks, Jackson, Johnson of P. Judah, Kinnard, Lemon, Levenworth, Long, Marshall, Read of D. and M. Reid of F. Slaughter, Smiley, Spann, Stapp, Veatch, Wallace, Watts, Worth, and Moore Sp'r.—28.

And so said motion was decided in the negative.

The said bill was then committed to a committee of the whole house to-morrow.

Mr. M'Kinney presented the following resolution, to-wit:

Resolved, That the committee on roads be instructed to inquire into the expediency of reporting a bill, requiring the collectors of the several counties of this state, to pay the road tax on non-resident land to the supervisors of roads within whose respective districts such land may lie, to be applied by them to the improvement of such road; and that said committee be further instructed to inquire into the expediency of reporting a bill providing for a reasonable per diem allowance to supervisors of roads.

Mr. Huntington moved to amend said resolution, by adding the words following at the end thereof, to-wit:

“And that hereafter, no public road shall be laid off less than sixty feet wide.”

Mr. Lemon moved to amend the proposed amend-

ment, so as to confine the same to the county of Vigo;

Which was decided in the negative.

Mr. Huntington's amendment was then negatived by the house.

The resolution, as proposed by Mr. M'Kinney, was then adopted.

Mr. Craig presented the following resolution, to-wit:

Resolved, That Samuel Merrill and B. I. Blythe, agents on the part of the state to contract for, and superintend the erection of a house on the Governor's circle, in the town of Indianapolis, for the use of the executive of this state, have discharged that duty, to the entire satisfaction of this house;

Which was read, and, by consent, laid on the table.

On motion of Mr. Craig.

Resolved, That the public printer be instructed to print, for the use of this house, 100 copies of the bill relative to limited partnerships, now on the files of this house.

On motion of Mr. Read of D. and M.

Resolved; That the committee on Canals and Internal Improvements, be instructed to inquire into the expediency of appropriating a certain sum of money, for the improvement of the east and west forks of White river.

On motion of Mr. Irwin,

Resolved, That the committee on the affairs of Indianapolis, be directed to inquire into the expediency of providing, by law, for enclosing and securing the house built for the executive of this state.

On motion of Mr. Little,

Resolved, That the committee on education be instructed to inquire into the expediency of repealing so much of the law incorporating congressional townships, and providing for public schools therein,

approved January 31, 1827; and the acts amendatory to the same, as requires a tax to be levied for the support of free schools.

Mr. Elliott presented the following resolution, viz:

Resolved, That the committee of Ways and Means be instructed to report a bill to this house, repealing so much of the law as gives a premium out of the state treasury, for wolf scalps.

Mr. Long moved to lay said resolution on the table; which was decided in the negative.

Mr. Read, of D. and M. then moved to amend said resolution, so as to direct said committee to report a bill raising the premium on wolf scalps to \$2, out of the state treasury;

Which was decided in the negative.

Mr. Huntington moved further to amend said resolution, so as to include prairie wolves in the law allowing a premium on wolf scalps.

Mr. Read, of D. and M. then moved to postpone the further consideration of said resolution and proposed amendment, until the first Monday in August next.

And the ayes and noes being required thereon by two members, the same are as follows, to-wit:

Those who voted in the affirmative are,

Messrs. Allen, Beard, Bassett, Blair, Boon, Claypool, Craig, Hendricks, Jackson, Johnson of P. Judah, Kinnard, Levenworth, Long, Marshall, Matlock, M'Clure, Newell, Pabody, Percy, Pollock, Read of D. and M. Reid of F. Roberts, Slaughter, Smiley, Watts, Wilson, Worth, and Moore, Speaker—30.

And those who voted in the negative are,

Messrs. Adams, Annable, Brown, Campbell, Clendenin, Decoursey, De Pauw, Elliott, Graham, Howk, Huntington, Irwin,

Johnston of V. and W. Jones, Lemon, Lewis, Little, Lomax, M'Kinney, M'Pheeters, Spann, Stapp, Steele, Stevens, Veatch, Wallace and Work—27.

And so said motion was carried in the affirmative.

On motion of Mr. Lemon,

Resolved, That the committee on the affairs of the state prison, be instructed to inquire into the expediency of amending the law on that subject, so as authorize the use of the state prison and the convicts therein, to be let to the highest bidder, for a term not less than five years.

On motion of Mr. Kinnard,

Resolved, That the committee on the affairs of the town of Indianapolis, be instructed to inquire into the expediency of authorizing the board of Marion county justices, to order the opening of a county road, or county roads, leading round the donation for the seat of government of the state of Indiana, with leave to report by bill or otherwise.

On motion of Mr. Huntington,

Resolved, That for the purpose of restraining the commission of perjury, the committee on the Judiciary be instructed to inquire into the expediency of so amending the law regulating the jurisdiction and duties of justices of the peace, as to authorize and require any justice before whom a cause shall be tried, at the request of either party, to take in writing the testimony of any witness in such cause, and certify the same—the party at whose instance the same shall be taken, paying fees therefor.

On motion of Mr. Levenworth,

Resolved, That the committee of Ways and Means be instructed to inquire into the expediency of requiring the distribution of the laws and journals of the present General Assembly to be made before or

in all the month of April next; and that they make report on the subject, by bill or otherwise.

On motion of Mr. Long,

Resolved, That the standing committee on roads be instructed to inquire into the expediency of making an additional allowance to William C. Blackmore, for extra services, performed on the state road from Indianapolis to Fort Wayne.

And then the house adjourned until two o'clock P. M.

2 o'clock, P. M.

The house met pursuant to adjournment.

On motion of Mr. Craig,

Resolved, That the committee of Ways and Means be instructed to inquire, whether it be necessary to procure a seal of state, in consequence of the seal now in use having become worn out and defective, and, if such necessity exist, to report a bill or joint resolution, authorizing the purchase of a state seal.

A message was received from the Senate, by Mr. Farnham, their Assistant Secretary, announcing that the Senate have passed an engrossed bill, originating in the House of Representatives, entitled "An act for the relief of Thomas Wyatt," without amendment; and,

That they have also passed a bill, entitled "An act for the benefit of the devisees of Thomas Watts, deceased;"

In which the concurrence of the House of Representatives is requested.

The last named bill was read the first time, and passed to a second reading to-morrow.

On motion of Mr. Smiley,

Mr. Annable was added to the committee on roads.

On motion of Mr. Hendricks,

Resolved, That the Judiciary committee be instructed to inquire into the expediency of so altering the times of holding courts in the different counties in the fifth judicial circuit, so as to allow the county of Decatur one week at each term, if the business require it.

On motion of Mr. De Pauw,

Resolved, That the committee on the affairs of the town of Indianapolis, be instructed to inquire into the expediency of setting apart some suitable unsold lot in said town, whereon may be erected a stable and provender house, for the accommodation of the Executive of State, with leave to report by bill or otherwise.

Mr. De Pauw, after having obtained leave, presented a bill, authorizing the leasing of Royse's Lick and Rock Lick reserves, in Washington county; which was read the first time, and passed to a second reading to-morrow.

The house took up and proceeded to consider the orders of the day.

The joint resolution on the subject of procuring a repeal of the duty imposed by the United States on Turk's Island salt, was read the second time;

And on the question being put, Shall said joint resolution be engrossed for a third reading? the same was decided in the negative.

And so said joint resolution was lost.

The bill for the location of a state road from Crawfordsville to Indianapolis, was read the second time, and committed to a committee of the whole house to-morrow.

The engrossed bill from the Senate, entitled "An act to organize the county of Hancock," was read the third time and passed.

Ordered, That the Clerk inform the Senate thereof.

The engrossed bill from the Senate, to provide for

the purchase of stationary for the use of the General Assembly, and also for the public printing, was read a third time and passed.

Ordered, That the Clerk inform the Senate thereof.

The engrossed joint resolution respecting the office of the Clerk of the district court of the United States for the district of Indiana, was read a third time and passed.

Ordered, That the Clerk carry the same to the Senate, and ask their concurrence therein.

Mr. Stevens moved to postpone the several orders of the day, which precede the bill to locate a road from Lake Michigan, by way of Indianapolis, to the Ohio river;

Which was carried in the affirmative.

The house then resolved itself into a committee of the whole on said bill; and, after some time spent therein, the Speaker resumed the chair, and Mr. Campbell reported progress and asked leave to sit again; which leave was granted by the House.

On motion of Mr. Wilson,

The committee of the whole house, to whom was committed the bill to ascertain the value of taxable property, were discharged from the further consideration thereof.

Said bill was then recommitted to a select committee of Messrs. Boon, Wilson and Huntington.

The House resolved itself into committee of the whole, on the bill requiring certain duties to be performed by the Auditor of public accounts, the Secretary and Treasurer of State; and, after some time spent therein, the Speaker resumed the chair, and Mr. Claypool reported progress, and asked leave to sit again; which leave was refused by the House—and,

On motion of Mr. Stevens,

Said bill was recommitted to a select committee of Messrs. Wilson, Kinnard and Marshall.

The house resolved itself into a committee of the whole, on the bill to amend an act, entitled, an act relative to crimes and punishments; and the bill exempting ministers of the gospel from serving on juries in criminal cases:

And, after some time spent therein, the Speaker resumed the chair, and Mr. Clendenin reported progress, and asked leave to sit again; which leave was granted by the house.

And then the house adjourned until to-morrow morning 9 o'clock

TUESDAY MORNING, DECEMBER 18, 1827.

The House met pursuant to adjournment.

On motion of Mr. Blair,

The house took up the petition of Samuel Fite and others, of Green county, praying part of said county may be attached to the county of Monroe; and the same was referred to a select committee of Messrs. Blair, Percy and Allen.

Mr. Stevens from the Judiciary committee to whom was referred a resolution of this house, on the subject of apprentices, reported a bill to amend an act entitled an act respecting apprentices, approved January 7th, 1818; which was read the first time, and passed to a second reading to-morrow.

Mr. Stevens from the same committee, to whom was referred a resolution of this house, on the subject of prosecuting Attorneys, reported a bill respecting the office of prosecuting Attorney, which

was read the first time, and passed to a second reading to-morrow.

Mr. Stevens from the Judiciary committee, made the following report, to wit:

The committee on the Judiciary to whom was committed three several resolutions of this house, to wit:

The first directing an enquiry into the expediency of amending the law respecting the service and payment of petit jurors, so as to require the Sheriff instead of the Clerk to give to jurors their certificate of service;

The second directing an enquiry into the expediency of so amending the law regulating the jurisdiction and duties of Justices of the Peace, as to require Justices of the Peace to take the testimony of any witness sworn before them down, if required so to do;

And the third resolution directing an enquiry into the expediency of requiring by law, that the claimant and the execution defendant may be sworn as witnesses in all trials of the right of property, when taken in execution, and claimed by any third person, have had these several resolutions under their consideration, and have directed me to report the following resolution to the house for their adoption, to wit:

Resolved, That the laws as they now stand are sufficient to answer the purposes intended, and that the alterations asked for on those several subjects, would not be as unexceptionable as the present laws, and that it is therefore inexpedient to further legislate thereon; which report was read and concurred in by the house.

Mr. Stevens from the same committee, also made the following report, to wit:

The committee on the Judiciary to whom was

committed two several resolutions of this house, to wit;

One directing an enquiry into the expediency of exempting a certain number of sheep from execution;

And the other directing an enquiry into the expediency of so amending the law regulating enclosures, as to require Justices of the Peace to enter judgment, and to enforce collection by execution, have had the same under consideration, and directed me to report:

That there is a bill of this house on the subject of writs of execution, and the laws subjecting real and personal property to execution, and that those resolutions refer to the same subject, and if legislated on, ought to be in the same bill; therefore, recommend to the house, the adoption of the following resolution, to wit:

Resolved, That the committee on the Judiciary be, and they are hereby discharged from the further consideration of said resolutions, and that they be committed to the select committee to whom was committed the said bill, on the subject of the writs of execution, and the laws subjecting real and personal property to execution.

Which report was read and agreed to by the house.

Mr. Hawk from the committee on Education, to whom was referred the report of the board of visitors to the state seminary at Bloomington, and so much of his Excellency the Governor's message as relates to education, reported a bill to establish a College in the state of Indiana; which was read the first time, and passed to a second reading to-morrow.

Mr. Boon from the committee on claims, to whom was referred the petition of J. C. Caldwell, late col-

lector of Clark county, made the following report thereon, to wit:

The committee on claims to whom was referred the petition of J. C. Caldwell, have had the same under their consideration, and are of opinion, that the claim of the petitioner is just, and ought to be allowed, and recommend the adoption of the following resolution, to wit:

Resolved, That the committee of Ways and Means be, and they are hereby instructed to allow to J. C. Caldwell, twenty dollars in the specific appropriation bill, for interest allowed on treasury notes, issued on or after the 31st day of January, 1824, as collector of the revenue of Clark county, for the year 1824, which was not allowed to him by the treasurer of state.

Which report was read and concurred in by the house.

Mr. Boon from the same committee, to whom was referred the claim of Thomas Coffin, of Orange county, made the following report thereon, to wit:

The committee on claims to whom was referred the claim of Thomas Coffin, have had the same under consideration, and have instructed me to report:

That it is the opinion of your committee, that the claim is just, and ought to be allowed; they therefore recommend the adoption of the following resolution, to wit:

Resolved, That the committee of Ways and Means be, and they are hereby instructed to allow to Thomas Coffin, ten dollars, in the specific appropriation bill, for the preparation of a tube sixty feet long, for the salt well at French Lick.

Your committee have further instructed me to report, that they believe it would be to the interest of the state to appropriate dollars in the specific appropriation bill, subject to the order of Thomas Coffin, as agent of the French Lick, to en-

able him to make *tubes* two hundred feet long, if they be needed, for the use of the salt well at the French Lick, and to make a cistern to hold water in; which report was read and agreed to by the house.

Mr. Wallace from the committee on roads, to whom was referred the petitions of sundry citizens of Parke county, made the following report thereon, to wit:

The committee on roads, to whom was referred sundry petitions, praying the location of a state road from Cox's ferry, on Raccoon creek, in Parke county, to Fort Wayne, in Allen county, and the appropriation of a portion of the three per cent. fund for the purpose of locating and opening said road, have had the same under consideration, and have directed me to report:

That they deem it inexpedient to grant the prayer of the petitioners. They therefore ask to be discharged from the further consideration of the same.

The said report was read and concurred in by the house.

Mr. Wallace from the same committee, to whom was referred the petition of Jesse Gifford and William Williams, reported a bill for their relief, which was read the first time and passed to a second reading to-morrow.

Mr. De Pauw from the select committee to whom was referred the petition of Levi Wright and others of Washington and Clark counties, reported a bill to authorise the surveying and marking the boundary line between the counties of Washington and Clark, and for other purposes, which was read the first time and passed to a second reading to-morrow.

Mr. Decoursey from the select committee to whom was referred the petition of A. Moore and others,

reported a bill to establish a lottery at the Rising Sun, in the county of Dearborn, which was read the first time and passed to a second reading to-morrow.

Mr. Wilson from the select committee to whom was recommitted the bill requiring certain duties to be performed by the Auditor of public accounts, and the Treasurer and Secretary of State, reported the same with one amendment;

Which was read at the Clerk's table; and,

On motion of Mr. Stevens,

Said bill and amendment were ordered to lie on the table.

On motion of Mr. Levenworth,

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of so altering the second and fourth judicial circuits as to make Crawford county a part of the second judicial circuit; but if that shall be found inexpedient, then so to arrange the times of holding the circuit courts in Harrison and Crawford counties, that the circuit court shall not be in session at the same time in each of said counties.

On motion of Mr. Roberts,

Resolved, That the Judiciary committee be instructed to inquire into the expediency of providing by law for the creation of one or more judicial circuits, and that they report by bill or otherwise.

On motion of Mr. Judah,

Resolved, That a select committee be appointed to inquire into the expediency of increasing the representation in this house, from the district now represented by Mr. Beard.

Ordered, That Messrs. Judah, Bassett, Stapp and Matlock be that committee.

On motion of Mr. Kinnard,

Resolved, That the standing committee on roads be directed to inquire into the expediency of so amending the road law, as to make it the duty of

supervisors of roads to cause one day's work to be done before the first Monday in July, or against some specified time in every year, by each person subject to work on roads in their respective road districts.

On motion of Mr. Craig.

Resolved, That the committee on the affairs of the town of Indianapolis be instructed to inquire into the expediency of laying off and disposing of, at public sale, the Market house square, immediately north of the court house, with leave to report by bill or otherwise.

At the request of Mr. Read of D. and M. he was discharged from serving on the select committee to whom was referred the petition of sundry citizens of Crawford county, praying the relocation of the seat of justice of said county; and

Messrs. Elliott and Veatch were appointed on said committee.

On motion of Mr. Huntington,

Resolved, That the committee on roads be instructed to inquire into the expediency of so amending the road laws, as to give to county commissioners or board doing county business in the respective counties, a discretionary power to require roads to be laid out and opened any width not exceeding 60 feet, as the said boards respectively shall deem most expedient; and that said committee have leave to report by bill or otherwise.

On motion of Mr. Claypool,

The house took up the engrossed joint resolution, relative to the removal of the Pension office from Corydon to Indianapolis;

Said joint resolution having been read a third time, and the question being put, shall said joint resolution pass?

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Adams, Annable, Bassett, Beard, Boon, Brown, Claypool, Decoursey, Elliott, Hendricks, Irwin, Jackson, Johnston of V. and W. Jones, Judah, Kinnard, Lewis, Lomax, Long, Matlock, M'Clure, M'Kinney, Newell, Pabody, Percy, Pollock, Reid of F. Smiley, Spann, Stapp, Steele, Wilson and Work
—33.

And those who voted in the negative are,

Messrs. Allen, Blair, Campbell, Clendenin, Craig, De Pauw, Graham, Hawk, Huntington, Johnson of P. Lemon, Levenworth, Little, Marshall, M'Pheeters, Read of D. and M. Roberts, Slaughter, Stevens, Veatch, Wallace, Watts, Work, and Moore Sp'r.
—24.

And so said joint resolution passed.

Ordered, That the Clerk carry the same to the Senate and ask their concurrence therein.

Mr. Little, after having obtained leave, presented a bill to amend an act entitled "An act regulating the jurisdiction and duties of justices of the peace," approved January 30, 1824; which was read the first time, and passed to a second reading to-morrow.

Mr. Pollock, after having obtained leave, presented a bill, supplemental to an act entitled "An act for the appointment of county surveyors and their deputies," approved January 30, 1824; which was read the first time, and passed to a second reading to-morrow.

The house took up and proceeded to consider the orders of the day.

The bill respecting the state and county revenue, due from the county of Clay for the year 1826.

The bill to amend an act entitled "An act to reg-

ulate the Militia of the state of Indiana," approved January 20, 1824.

The bill authorising the leasing of Royse's Lick, and Rock Lick reserves, in Washington county; and,

The engrossed bill from the Senate, entitled "An act for the benefit of the devisees of Thomas Watts deceased, were severally read the second time, and committed to a committee of the whole house to-morrow.

The house again resolved itself into a committee of the whole on the bill to amend an act entitled an act relative to crimes and punishments;

And the bill to exempt ministers of the Gospel from serving on juries in criminal cases; and after some time spent therein, the Speaker resumed the chair; and

Mr. Craig reported the first named bill with several amendments, and the last named bill with one amendment, which was by striking it out from its enacting clause.

The house, on motion, concurred generally in said amendments.

On motion of Mr. Howk,

The further consideration of the bill to exempt ministers of the Gospel from serving on juries in criminal cases, was indefinitely postponed.

Mr. Irwin moved further to amend the bill relative to crimes and punishments, by striking out the seventh section thereof, which reads in the words following:

"On the trial of all offences in this act, and the act to which this is an amendment, it shall be lawful for a defendant, to require a juror to answer on oath, whether he has formed or expressed an opinion relative to the guilt or innocence of the party accused."

Mr. Boon moved to amend said section by ad-

ding at the end thereof, the words following, to wit:

"And whether the opinion so formed or expressed, will influence his opinion to be formed as a juror, upon the evidence which may be given on the trial;" which was decided in the negative.

Mr. Levenworth moved to amend said section by adding at the end thereof, the words following, to wit:

"And from the answer to the above question, and to such other questions as may be permitted to be asked, according to the usual rules of law, the court shall judge of the competency of the juror;"

Which amendment was agreed to by the house.

Mr. Stapp moved further to amend said section, by inserting after the word amendment in the second line, the words following, to wit:

"For offences for which the punishment shall be capital or confinement in the State's Prison;" which was carried in the affirmative.

Mr. Huntington moved further to amend said section, by inserting after the word *defendant*, in the second line, the words following to wit: "*Or the court*;" which was carried in the affirmative.

The question recurring then on the motion made by Mr. Irwin to strike out said section, which reads as amended as follows, to wit:

"On trials of all offences in this act, and the act to which this is an amendment, for offences for which the punishment shall be capital or confinement in the State's Prison, it shall be lawful for a defendant, or the court to require a juror to answer on oath, whether he has formed or expressed an opinion relative to the guilt or innocence of the party accused, and from the answer to the above questions, and to such other questions as may be permitted to be asked, according to the usual rules of law, the court shall judge of the competency of the juror."

And the ayes and noes being required thereon by two members, the same are as follows, to-wit:

Those who voted in the affirmative are,

Messrs. Graham, Irwin, Jackson, Long and Spann
—5.

And those who voted in the negative are,

Messrs. Adams, Allen, Annable, Beard, Bassett, Blair, Boon, Brown, Campbell, Claypool, Clendenin, Craig, Decoursey, De Pauw, Elliott, Hendricks, Howk, Huntington, Johnson of P. Johnston of V. and W. Jones, Judah, Kinnard, Lemon, Levenworth, Lewis, Little, Lomax, Marshall, Matlock, M'Clure, M'Kinney, M'Pheeters, Newell, Pabody, Percy, Pollock, Read of D. and M. Reid of F. Roberts, Slaughter, Smiley, Stapp, Steele, Stevens, Veatch, Wallace, Watts, Wilson, Work, Worth and Moore
Sp'r—52.

Mr. Reid of F. moved further to amend said bill, by the addition of the following as an additional section, to wit:

“And be it further enacted, That it is hereby made the duty of Justices of the Peace and Constables, on their own view, to carry into effect the provisions of the fifty-seventh section of the act to which this is an amendment.”

And then the House adjourned until 2 o'clock P. M.

2 o'clock P. M.

The House met pursuant to adjournment.

The house resumed the consideration of the amendment proposed by Mr. Reid of F. to the bill to amend the act relative to crimes and punishments;

And on the question being put, will the house agree thereto? The same was decided in the negative.

Mr. Lemon moved to reconsider the vote on concurring in the amendment made in committee of the whole house, to the bill to amend the act relative to crimes and punishments, which reads in the words following:

“That ministers of the Gospel shall hereafter be exempt from serving on juries in all cases;” which motion was decided in the negative.

Ordered, That said bill be engrossed and read a third time to-morrow.

The house again resolved itself into a committee of the whole, on the bill to locate a road from Lake Michigan by way of Indianapolis, to the Ohio river, and after some time spent therein, the Speaker resumed the chair, and Mr. Decoursey reported progress, and asked leave to sit again; which leave was granted by the house.

And then the house adjourned until to-morrow morning 9 o'clock.

WEDNESDAY MORNING, DECEMBER 19, 1827.

The house met pursuant to adjournment.

A message was received from the Senate by Mr. Farnham, their Assistant Secretary, announcing that Messrs. Fletcher and Lane have been appointed a committee on enrolled bills, on the part of the Senate, to act with a similar committee appointed on the part of the House of Representatives.

Mr. Clendenin laid before the house a remonstrance of John Liggett and others, and of John Mills and others, citizens of Crawford county, against relocating the seat of justice of said county;

And also a protest of Reuben D. Thom on that subject; which were read and referred to the same select committee to whom was referred petitions of sundry citizens of said county on that subject.

Mr. Levenworth also laid before the house, sundry documents relative to the relocation of the seat of Justice of Crawford County; which were referred to the last named committee.

Mr. Kinnard presented a petition of Daniel Heaton and others, citizens of Hamilton and Marion counties, praying an extension of a lease on certain school lands, in Hamilton county; which was referred to a select committee of Messrs. Kinnard, Matlock and Smiley.

Mr. Read of D. and M. from the committee of elections, to whom was referred a resolution of this house, on that subject, reported a bill to amend an act entitled an act, to provide for the election of electors of President and Vice President of the United States; which was read the first time, and passed to a second reading to-morrow.

Mr. Wallace from the committee on roads, to whom was referred the petition and remonstrance of sundry citizens of Franklin and Union counties, made the following report thereon, to wit:

The committee on roads, to whom was referred three petitions, and a remonstrance from sundry citizens of Franklin and Union counties, praying the establishment of a certain road therein named, have had the same under consideration, and have directed me to report:

That they deem it inexpedient to grant the prayers of the petitioners; they therefore ask to be discharged from the further consideration of the same;

Which report was read and concurred in by the house.

Mr. Wallace from the same committee, also made the following report, to wit:

The committee on roads, to whom was referred a resolution of this house, authorising an inquiry into the expediency of making a further allowance to William C. Blackmore, for services rendered by him, on the road from Indianapolis to Fort Wayne, have had the same under their consideration, and have directed me to report:

That they deem it inexpedient to legislate on that subject at this time; which report was read and concurred in by the house.

Mr. Jackson, from the select committee, to whom was referred the petition of the board doing county business in Dearborn county, and the petition of Thomas Longly and others, made the following report thereon, to wit:

The select committee to whom was referred the petition of the board doing county business, in Dearborn county, also of Thomas Longly and others, praying an additional tax to be levied in said county, have had the same under their consideration, and are of opinion,

That the prayers of the petitioners are unreasonable, and ought not to be granted.

Which report was concurred in by the house.

Mr. Veatch from the select committee to whom was referred a resolution of this house, on that subject, made the following report, to wit:

The select committee to whom was referred a resolution of this house, directing an inquiry into the expediency of appropriating \$300 of the three per cent. fund, for the purpose of building a bridge across little Pigeon creek, have had the same under consideration, and directed me to report:

That they deem it inexpedient to legislate on that subject at this time.

Which report was read and concurred in by the house.

On motion of Mr. Stevens,

The house took up and proceeded to consider the bill, requiring certain duties to be performed by the Auditor of public accounts, and the Treasurer and Secretary of State, and the amendment proposed thereto.

Mr. Stevens moved to amend the proposed amendment, by striking out the words, "east side of square No. 58;" which was carried in the affirmative.

The amendment of the select committee was then agreed to by the house.

Mr. Stevens moved to recommit said bill to the committee on the affairs of the town of Indianapolis, with instructions to fill the blank in the same, with one or more lots of ground belonging to the state, lying in the most eligible situation, between the square reserved for the state house and the Governor's circle, and as near to the Governor's circle as practicable, which was carried in the affirmative.

The house took up and proceeded to consider the orders of the day.

The bill to amend an act entitled "An act respecting apprentices," was read the second time, and ordered to be engrossed and read a third time tomorrow.

The bill respecting the office of circuit prosecuting Attorney, was read the second time.

Mr. Matlock moved to postpone the further consideration of said bill indefinitely,

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Allen, Annable, Beard, Blair, Boon, Brown, Clendenin, Claypool, De Pauw, Graham, Hendricks, Huntington, Irwin, Johnson of P. Johnston of V. and W. Judah, Kinnard, Leven-

worth, Lewis, Little, Lomax, Marshall, Matlock, M'Kinney, M'Pheeters, Newell, Percy, Read of D. and M. Reid of F. Roberts, Slaughter, Smiley, Stevens, Veatch, Wallace, Worth and Moore, Speaker—37.

And those who voted in the negative are,

Messrs. Adams, Bassett, Campbell, Craig, Decoursey, Elliott, Howk, Jackson, Jones, Lemon, Long, M'Clure, Pabody, Pollock, Spann, Stapp, Steele, Watts, Wilson and Work—20.

And so said motion was carried in the affirmative.

The bill to establish a college in the state of Indiana, was read the second time, and committed to a committee of the whole house on Monday next.

On motion of Mr. Lemon,

Ordered, That 100 copies of said bill be printed for the use of the members of this house.

The bill for the relief of William Williams and Jesse Gifford, was read the second time, and committed to a committee of the whole house to-morrow.

The bill authorising the surveying and marking the boundary line between the counties of Clark and Washington, and for other purposes, was read the second time, and committed to a committee of the whole house on Friday next.

The bill to establish a lottery at the Rising Sun, in the county of Dearborn, was read the second time.

Mr. Lomax moved to postpone the further consideration of said bill indefinitely,

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Allen, Annable, Beard, Blair, Boon, Brown, Clendenin, De Pauw, Elliott, Graham, Irwin,

Johnson of P. Johnston of V. and W. Jones, Kinnard, Lemon, Little, Lomax, Long, Matlock, M'Clure, M'Pheeters, Newell, Pabody, Percy, Reid of F. Roberts, Smiley, Wallace, Watts, Wilson and Work—32.

And those who voted in the negative are,

Messrs. Adams, Bassett, Campbell, Claypool, Craig, Decoursey, Hendricks, Hawk, Huntington, Jackson, Judah, Levenworth, Lewis, Marshall, M'Kinney, Pollock, Read of D. and M. Slaughter, Spann, Stapp, Steele, Stevens, Veatch, Worth and Moore Sp'r—25.

And so said motion was carried in the affirmative.

The bill supplemental to an act entitled "An act appointing county surveyors, and their deputies," approved January 30, 1824, was read the second time, and ordered to be engrossed, for a third reading to-morrow.

The bill to amend an act entitled "An act regulating the jurisdiction and duties of justices of the Peace," approved January

Was read the second time, and committed to a committee of the whole house on Monday next.

On motion of Mr. Kinnard,

Ordered, That 100 copies of said bill be printed for the use of the members of this house.

And then the house adjourned until two o'clock, P. M.

2 o'clock, P. M.

The house met pursuant to adjournment.

The engrossed bill to amend an act entitled "An act relative to crimes and punishments," was read the third time, and passed.

Ordered, That the same be entitled an act, and

that the Clerk carry the same to the Senate and ask their concurrence therein.

The house again resolved itself into a committee of the whole, on the bill to locate a road from Lake Michigan, by the way of Indianapolis, to the Ohio river, and after some time spent therein, the Speaker resumed the chair, and Mr. De Pauw reported progress, and asked leave to sit again,

Which leave was granted by the house.

And then the house adjourned until to-morrow morning 9 o'clock.

THURSDAY MORNING, DECEMBER 20, 1827.

The house met pursuant to adjournment.

Mr. Jackson presented a petition of William White, of Dearborn county, praying certain relief, which was read and referred to the committee on claims.

Mr. Claypool presented a claim of John M. Wilson, late collector of Fayette county, for certain money paid by him for the state, which was read and referred to the committee of Ways and Means.

Mr. Judah presented remonstrances of Michael Murphy and others, A. Berry and others, John Green and others, Andrew Dunn and others, citizens of Knox and Daviess counties, against changing any part of the state road, leading from Washington, in Daviess county, to Vincennes, which lies between White river and Vincennes; which were read and referred to the committee on roads.

Mr. Kinnard presented a remonstrance of Jordan Vigns and others, citizens of Marion county, against authorising the sale of the Market square, north of

the court house, in the town of Indianapolis, which was read and referred to the committee on the affairs of said town.

Mr. Stevens from the Judiciary committee, made the following report, to wit:

The committee on the Judiciary, to whom was committed several resolutions of this house, respecting the expediency of providing by law, for the holding of three terms of the circuit courts, in the several counties in this state annually, and the expediency of so reorganizing the judicial circuits, that one or more additional circuits might be created.— And also several resolutions of this house, relative to probate courts, probate laws, and the compelling executors and administrators to settle with the probate courts, have had those several resolutions under their consideration, and have directed me to report:

That it is not practicable for the circuit courts to hold three terms, while the judicial circuits remain as large as they are, and that a majority of the committee believe that a reorganization and increase of the judicial circuits is not expedient at this time, and that it is not necessary to legislate thereon during the present session. And that the probate courts cannot be well changed, and put on any more efficient footing than they now stand, until a general reorganization of the judicial circuits take place, and the number of those circuits be increased. The committee are of opinion, that the laws respecting the settlement of decedents estates provide sufficiently for the accountability of executors and administrators, and that settlements can always be effected without delay, if those interested, wish settlements to be made, and therefore suppose that further legislation on that particular, not necessary at this time.

The committee cannot, however, dismiss this sub-

ject without observing, that notwithstanding the committee, in their deliberations on the various resolutions submitted to them, (as above set forth,) have arrived at the foregoing conclusions, yet a minority of the committee deem those various subjects of vital and deep importance, and that both civil and criminal justice, as well as the interests of the community, require a reorganization of the judicial circuits, so as to make two or more additional circuits, and that three terms of the circuit courts should be annually held in each county. That the whole probate system, both laws and courts, need revision and reorganization, and that there should be a separate, independent and efficient probate court in every county, with sufficient powers and capacity to guard the interests of all decedents and minors estates, according to justice and the true intent and meaning of the laws on the subject.

The committee, however, differing in their views on some material points, have not been able to come to any practicable conclusion, and therefore recommend the adoption of the following resolution, to wit:

Resolved, That the committee on the Judiciary be discharged from the further consideration of those aforesaid resolutions.

The above report was read and concurred in by the house.

Mr. Judah from the select committee to whom was referred a resolution of this house, on that subject, made the following report, to wit:

The select committee appointed "to inquire into the expediency of increasing the representation in this house, from the district now represented by Mr. Beard," have had the same under their consideration. The attention of the committee, was in the first instance, particularly attracted, to the consideration of the power of the Legislature, to increase

the representation at any other period than that designated by the constitution.

In the opinion of the committee, such of the provisions of the ordinance of 1787, as are permanent in their nature, are obligatory upon this state; and the constitution must be construed, if possible, in accordance with those provisions. By the second article of the ordinance of 1817, it is provided, that the inhabitants of the north west territory, and states formed therefrom, shall be entitled to the benefits of a proportionate representation of the people in the legislature.

In the opinion of the committee, the second section of the third article of the constitution, was intended to secure to the people a fair and equal representation, and cannot be construed as a restriction upon the power of the General Assembly, to equalize the representation at any time. At the time the constitution was adopted, the largest portion of the state was unsettled, but the settlements were rapidly progressing. As it is impossible to provide by anticipation for the increase of population on the north, the right secured by the ordinance, and intended to be provided for by the constitution; and the favorite maxim of our ancestors, sanctified by the sufferings of the revolution, that representation and taxation shall be proportionate, must be trampled upon, or the inhabitants of settlements formed after each apportionment, cannot be taxed, until after the next ensuing apportionment.

The committee are therefore compelled to conclude, that the inhabitants of the counties represented by Mr. Beard, are entitled to a representation proportionate to their number, and that the General assembly have full power to bestow upon them such representation.

By the returns in the Treasurer's office, it appears

that the number of taxable polls in Mr. Beard's district, is as follows:

Montgomery county,	-	-	-	503
Fountain county,	-	-	-	645
Tippecanoe county,	-	-	-	262

To each of these counties, it is believed, one hundred polls may be added, to make up the number of voters. 300

Warren county is believed to have at least two hundred and fifty voters, 250

The territory not organised, is known to possess, according to the best information 50

Making in the whole, two thousand and ten voters.

The committee respectfully recommend, that the representation from Mr. Beard's district be increased by at least one representative, and are ready to report by bill, &c.

Mr. Judah then presented a bill, supplemental to an act entitled an act, for the apportionment of Senators and Representatives to the General Assembly, which was read the first time, and passed to a second reading to-morrow.

Mr. Wilson presented the following resolution, to wit:

Resolved, That the Judiciary committee be instructed to report a bill, authorising called sessions of the circuit courts, for the trial of criminal cases.

And the question being put, shall said resolution be adopted?

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Annable, Beard, Brown, Claypool, Irwin, Johnson of P. Levenworth, Lewis, M'Clure, Reid of F. Smiley, Steele and Wilson—13.

And those who voted in the negative are,

Messrs. Adams, Allen, Bassett, Blair, Boon, Campbell, Clendenin, Craig, Decoursey, De Pauw, Elliott, Graham, Hendricks, Hawk, Huntington, Jackson, Johnston of V. and W. Jones, Judah, Kinnard, Little, Lomax, Long, Marshall, Matlock, M'Pheeters, Newell, Pabody, Percy, Pollock, Read of D. and M. Roberts, Slaughter, Spann, Stapp, Stevens, Veatch, Watts, Work, Worth, and Moore Speaker—41.

And so said resolution was not adopted.

Mr. Craig presented the following resolution for the consideration of the house, to wit:

Resolved, That the Judiciary committee be instructed to report a bill to this house, providing for the creation of one or more judicial circuits, and for the holding of an additional term by the circuit court in each county in this state.

Mr. Wilson moved to amend said resolution, by striking out all the words after the word *circuits*, which was decided in the negative.

The resolution as proposed by Mr. Craig, was then adopted by the house.

Mr. Slaughter, after having obtained leave, presented a bill for the benefit of Peter Charley, Elijah Hurst and John Watkins, late Trustees of Congressional Township, three south, and range 4 east in the Jeffersonville district, which was read the first time, and passed to a second reading to-morrow.

Mr. Worth from the joint committee for enrolled bills, reported that they have compared the enrolled with the engrossed bills, entitled,

“An act for the relief of Thomas Wyatt.”

“An act to organize the county of Hancock.”

“An act to provide for the purchase of Stationary

for the use of the General Assembly, and for the public printing."

Also the following joint resolution:

"A joint resolution of the General Assembly, relative to purchasers of public lands," and find the same truly enrolled.

When the Speaker signed said bills and joint resolutions,

Ordered, That the Clerk carry the same to the Senate, for the signature of their President.

The bill to amend an act entitled an act, to provide for the election of Electors of President and Vice President of the United States, was read the second time, and committed to a committee of the whole house to-morrow.

Mr. Kinnard moved to have 100 copies of said bill printed, which was decided in the negative.

The engrossed bill to amend an act entitled an act, respecting apprentices, was read the third time and passed.

Ordered, That the same be entitled an act, and that the Clerk carry the same to the Senate and ask their concurrence therein.

The engrossed bill supplemental to an act entitled an act, for the appointment of county surveyors and their deputies, approved January 30th, 1824, was read a third time and passed.

Ordered, That the same be entitled an act, and that the Clerk carry the same to the Senate and ask their concurrence therein.

The house again resolved itself into a committee of the whole, on the bill to locate a road from Lake Michigan, by way of Indianapolis, to the Ohio river, and after some time spent therein, the Speaker resumed the chair, and Mr. Elliott reported progress, and asked leave to sit again;

Which leave was granted by the house.

And then the House adjourned until 2 o'clock P. M.

2 o'clock P. M.

The House met pursuant to adjournment.

Mr. Craig moved to discharge the committee of the whole house, to whom was committed the bill to locate a road from Lake Michigan, by the way of Indianapolis, to the Ohio river, from the further consideration thereof, which was decided in the negative.

The house again resolved itself into a committee of the whole, on said bill, and after some time spent therein, the Speaker resumed the chair, and Mr. Graham reported said bill with sundry amendments, which were severally read at the Clerk's table, and concurred in by the house.

Mr. Stevens moved further to amend said bill in the second section and line, so as to make the same read as follows:

"To Indianapolis, thence to the town of Shelbyville, in Shelby county, from thence to the town of Greensburgh, in Decatur county, from thence to the town of Versailles, in Ripley county, and from thence to the town of Vevay, on the Ohio river, in Switzerland county."

Which was decided in the negative.

Mr. Howk moved to lay said bill on the table, which was decided in the negative.

Mr. Lomax moved to recommit said bill to a select committee, which was also decided in the negative.

Mr. Slaughter moved further to amend said bill, in the second section and line, so as to make the same read as follows, to wit:

"To Indianapolis, thence to New Albany, on the Ohio river, in the county of Floyd."

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Annable, De Pauw, Graham, Howk, Irwin, Lemon, Little, Marshall, Matlock, M'Pheeters, Slaughter, Watts, Wilson, Work, and Moore Speaker—15.

And those who voted in the negative are,

Messrs. Adams, Allen, Beard, Bassett, Blair, Boon, Brown, Campbell, Claypool, Clendenin, Craig, Decoursey, Elliott, Hendricks, Huntington, Jackson, Johnson of P. Johnston of V. and W. Jones, Judah, Kinnard, Levenworth, Lewis, Lomax, Long, M'Clure, M'Kinney, Newell, Pabody, Percy, Pollock, Read of D. and M. Reid of F. Roberts, Smiley, Spann, Stapp, Steele, Stevens, Veatch, Wallace and Worth—42.

And so said motion was decided in the negative.

Mr. Wilson moved further to amend said bill, in the second section and line, so as to make the same read as follows, to wit:

"To Indianapolis, thence by the most practicable route to Fredonia, on the Ohio river, in the county of Crawford."

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Adams, Blair, Clendenin, Howk, Johnson of P. Johnston of V. and W. Judah, Lemon, Levenworth, Marshall, Mat-

lock, M'Clure, Roberts, Slaughter, Veatch, Wallace, Wilson, Work and Moore, Speaker—19.

And those who voted in the negative are,

Messrs. Allen, Annable, Beard, Bassett, Boon, Brown, Campbell, Claypool, Craig, Decoursey, De Pauw, Elliott, Graham, Hendricks, Huntington, Jackson, Jones, Kinnard, Lewis, Little, Lomax, Long, M'Kinney, M'Pheeters, Newell, Pabody, Percy, Pollock, Read of D. and M. Reid of F. Smiley, Spann, Stapp, Steele, Stevens, Watts, and Worth—38.

And so said motion was decided in the negative.

Mr. Jackson moved further to amend said bill, in the second section and line, so as to make the same read as follows, to wit:

"To Indianapolis, from thence to Lawrenceburgh, on the Ohio river, in the county of Dearborn."

Mr. Craig moved to amend the proposed amendment, by adding after the word "Dearborn" the words following, to wit:

"By the way of Napoleon, in the county of Ripley," which was accepted by Mr. Jackson, as a part of his original proposition.

The question then recurring on the proposed amendment of Mr. Jackson as amended;

And the ayes and noes being required thereon by two members, the same are as follows:

Those who voted in the affirmative are,

Messrs. Allen, Bassett, Campbell, Craig, Decoursey, Hendricks, Jackson, Kinnard, M'Kinney, Pollock, Stevens and Worth—12.

And those who voted in the negative are,

Messrs. Adams, Annable, Beard, Blair, Boon, Brown, Claypool, Clendenin, De Pauw, Elliott, Graham, Hawk, Huntington, Irwin, Johnson of P. Johnston of V. and W. Jones, Judah, Lemon, Levenworth, Lewis, Little, Lomax, Long, Mar-

shall, Matlock, M'Clure, M'Pheeters, Newell, Pabody, Pearcy, Read of D. and M. Reid of F. Roberts, Slaughter, Smiley, Spann, Stapp, Steele, Veatch, Wallace, Watts, Wilson, Work and Moore Speaker—45.

And so said motion was decided in the negative.

Mr. Stapp moved further to amend said bill, in the second section and _____ line, so as to make the same read as follows, to wit:

"To Indianapolis, thence to Madison, on the Ohio river, in the county of Jefferson."

Mr. Craig moved to amend the proposed amendment, by adding after the word "Jefferson," the words following: "By the way of Napoleon, in the county of Ripley."

And the ayes and noes being required by two members, on the amendment proposed to the amendment, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Allen, Beard, Bassett, Campbell, Craig, Decoursey, Hendricks, Jackson, M'Kinney, Pollock, Slaughter, Stevens and Worth—13.

And those who voted in the negative are,

Messrs. Adams, Annable, Blair, Boon, Brown, Claypool, Clendenin, De Pauw, Elliott, Graham, Howk, Huntington, Irwin, Johnson of P. Johnston of V. and W. Jones, Judah, Kinard, Lemon, Levenworth, Lewis, Little, Lomax, Long, Marshall, Matlock, M'Clure, M'Pheeters, Newell, Pabody, Pearcy, Read of D. and M. Reid of F. Roberts, Smiley, Spann, Stapp, Steele, Veatch, Wallace, Watts, Wilson, Work and Moore Speaker—44.

And so said motion was decided in the negative.

The question then recurring on the motion of Mr. Stapp, to amend the second section of said bill in _____ line, so as to make the same read,

"To Indianapolis, thence to Madison, on the Ohio river, in the county of Jefferson."

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Allen, Beard, Boon, Brown, Claypool, Elliott, Huntington, Irwin, Jones, Kinnard, Lewis, Long, M'Kinney, Newell, Pabody, Percy, Reid of F. Smiley, Spann and Stapp—20.

And those who voted in the negative are,

Messrs. Adams, Annable, Bassett, Blair, Campbell, Clendenin, Craig, Decoursey, De Pauw, Graham, Hendricks, Howk, Jackson, Johnson of P. Johnston of V. and W. Judah, Lemon, Levenworth, Little, Lomax, Marshall, Matlock, M'Clure, M'Pheeters, Pollock, Read of D. and M. Roberts, Slaughter, Steele, Stevens, Veatch, Wallace, Watts, Wilson, Work, Worth, and Moore Speaker—37.

And so said motion was decided in the negative.

Mr. Read of D. and M. moved further to amend said bill in the second section and line, so as to make the same read as follows, to wit:

“To Indianapolis, thence to Evansville on the Ohio river, in the county of Vanderburgh.”

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Adams, Annable, Beard, Johnson of P. Johnston of V. and W. Judah, Levenworth, M'Clure, Read of D. and M. Slaughter, Wilson, and Moore, Speaker—12.

And those who voted in the negative are,

Messrs. Allen, Bassett, Blair, Boon, Brown, Campbell, Claypool, Clendenin, Craig, Decoursey, De Pauw, Elliott, Graham, Hendricks, Howk, Huntington, Irwin, Jackson, Jones, Kinnard, Lemon, Lewis, Little, Lomax, Long, Marshall, Matlock, M'Kinney, M'Pheters, Newell, Pabody, Percy, Pollock, Reid of F. Roberts, Smiley, Spann, Stapp, Steele, Stevens, Veatch, Wallace, Watts, Work and Worth—45.

And so said motion was decided in the negative.

Mr. Howk moved to lay said bill on the table, which was decided in the negative.

Mr. Wilson moved to postpone the further consideration of said bill indefinitely, which motion was also decided in the negative.

Mr. Decoursey moved further to amend said bill; in the second section and line, so as to make the same read as follows, to wit:

“To Indianapolis, thence to the Rising Sun, on the Ohio river, in the county of Dearborn, by way of Napoleon, in the county of Ripley.”

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Bassett, Campbell, Craig, Decoursey, Hendricks, Kinnard, M'Kinney, Pollock, Stevens, Veatch and Worth—11.

And those who voted in the negative are,

Messrs. Adams, Allen, Annable, Beard, Blair, Boon, Brown, Claypool, Clendenin, De Pauw, Elliott, Graham, Howk, Huntington, Irwin, Jackson, Johnson of P. Johnston of V. and W. Jones, Judah, Lemon, Levenworth, Lewis, Little, Lomax, Long, Marshall, Matlock, M'Clure, M'Pheeters, Newell, Pabo-

dy, Percy, Read of D. and M. Reid of F. Roberts, Slaughter, Smiley, Spann, Stapp, Steele, Wallace, Watts, Wilson, Work, and Moore Speaker—46.

And so said motion was decided in the negative.

Mr. Graham moved further to amend said bill in the 2d. section and line, so as to make the same read as follows, to wit: "To Indianapolis, thence to Mauk's Port on the Ohio river in the county of Harrison."

And then the house adjourned until to-morrow morning 9 o'clock.

FRIDAY MORNING, DECEMBER 21, 1827.

The house met pursuant to adjournment.

Mr. Read of D. and M. from the committee on elections, to whom was referred a resolution of this house on that subject, reported a bill to carry into effect, the 8th article of the constitution of Indiana, which was read the first time, and passed to a second reading to-morrow.

Mr. Kinnard from the select committee to whom was referred the petition of Daniel Heaton and others, of Hamilton and Marion counties, reported a bill for the relief of Caleb Harrison, which was read the first time, and passed to a second reading to-morrow.

Mr. Allen from the select committee to whom was referred the petition of Joseph M. Hayes and others, of Parke county, reported a bill to incorporate the Montezuma Agricultural and Domestic Manufacturing association, which was read the first time, and passed to a second reading to-morrow.

Mr. Read of D. and M. presented the following resolution, to wit:

Resolved, That the committee on roads be in-

structed to inquire into the expediency of repealing so much of the act of 1824, as requires part of the money appropriated on the state road, leading from New Albany to Vincennes, to be appropriated on the improvement of the Wabash.

The question being put, shall said resolution be adopted?

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Adams, Allen, Annable, Brown, Campbell, Clavpool, Clendenin, Craig, Decoursey, De Pauw, Graham, Hendricks, Irwin, Jackson, Johnson of P. Johnston of V. and W. Jones, Kinnard, Lemon, Little, Long, Marshall, Matlock, M'Kinney, M'Pheeters, Newell, Pabody, Pollock, Read of D. and M. Reid of F. Roberts, Slaughter, Smiley, Spann, Stapp, Stevens, Veatch, Wallace, Work, Worth, and Moore Speaker—41.

And those who voted in the negative are,

Messrs. Beard, Bassett, Blair, Boon, Huntington, Judah, Levenworth, Lewis, Lomax, M'Clure, Percy, Steele, Watts and Wilson—14.

And so said resolution was adopted by the house.

On motion of Mr. Levenworth,

Resolved, That a select committee be appointed to take into consideration, and report upon the expediency of giving a premium of dollars to any person or persons, who will in any part of the state of Indiana, by digging or boaring, discover a constant supply of salt water, equal in quality to that on the Kenhawa river, erect furnaces, and man-

ufacture per day, for twelve months, bush-
els of salt, equal in quality to that which is at present manufactured at the Kenhawa salines.

Ordered, That Messrs. Levenworth, De Pauw and Steele be that committee.

On motion of Mr. Judah,

Resolved, That the Judiciary committee be instructed to inquire into the expediency of compelling the boards of justices or commissioners in their respective counties to provide the means necessary to discharge judgments, which may be or have been rendered against them.

On motion of Mr. Levenworth,

Resolved, That a select committee be appointed to inquire into the expediency of amending the revenue law, so as to make it the duty of the collector of county tax, to receive in payment, orders drawn upon the county agent, commonly called donation orders, and that the county treasurer shall receive such orders from the collector.

Ordered, That Messrs. Judah, Levenworth and Roberts be that committee.

Mr. Adams moved to take up the bill to repeal in part, an act entitled "an act to repeal part of the act entitled an act, for opening and repairing public roads and highways, and for other purposes, approved February 12th, 1825," which was decided in the negative.

A message was received from the Senate, by Mr. Farnham, their Assistant Secretary, announcing that the Senate have passed bills entitled acts, as follows, viz.

An act to incorporate the Indianapolis steam mill company.

An act to amend the law regulating grist mills and millers.

An act to amend an act entitled an act, to regu-

late the militia of the state of Indiana, approved January 20, 1824.

An act to amend an act entitled an act, to provide for the partition of real estate, approved January 2, 1824.

An act making further provision for the sale of the seminary townships of land, in the counties of Gibson and Monroe, and for other purposes;

In which several acts the concurrence of the House of Representatives is requested.

They have also passed bills of the House of Representatives, entitled acts as follows:

An act supplemental to the act entitled an act, regulating the admission and practice of Attorneys and Counsellors at law, approved January 31, 1824; and a

Joint resolution respecting the office of the clerk of the district court of the United States, for the district of Indiana, without amendment.

The above named bills received from the Senate, were severally read the first time, and passed to a second reading to-morrow.

The house took up and proceeded to consider the orders of the day.

The bill supplemental to an act entitled an act, for the apportionment of Senators and Representatives to the General Assembly, was read the second time, and committed to a committee of the whole house to-morrow.

A message was received from the Senate by Mr. Farnham, their Assistant Secretary, announcing that the Senate have passed an engrossed bill of this house, entitled "an act supplemental to an act, for carrying the laws into effect in new counties, without amendment.

They have also passed a bill, entitled "an act to establish a state road from Levenworth *via* Bono,

to Indianapolis," in which the concurrence of the House of Representatives is requested.

The last named bill received from the Senate, was read the first time, and passed to a second reading to-morrow.

The bill for the benefit of Peter Charley, Elijah Hurst and John Watkins, late Trustees of congressional township, three south, and range four east, in the Jeffersonville district, was read the second time, and ordered to be engrossed and read a third time to-morrow.

On motion of Mr. Lemon,

The bill to locate a road from Lake Michigan, by way of Indianapolis, to the Ohio river, was laid on the table.

Mr. De Pauw moved to postpone the several orders of the day, which precede the bill authorising the leasing of Royse's Lick and Rock Lick reserves, in Washington county, and take the same up, which was decided in the negative.

The house resolved itself into a committee of the whole, on the bill for the relief of purchasers of lots in the town of Indianapolis, which have become forfeited to the state, and after some time spent therein, the Speaker resumed the chair, and Mr. Hendricks reported said bill without amendment.

Mr. Bassett moved to postpone the further consideration of said bill indefinitely, which was decided in the negative.

Ordered, That said bill be engrossed and read a third time to-morrow.

The house resolved itself into a committee of the whole, on the bill attaching a portion of vacant territory, to the county of Floyd, lying adjoining said county, and after some time spent therein, the Speaker resumed the chair, and Mr. Hawk reported said bill with one amendment, which was read and concurred in by the house.

Ordered, That said bill be engrossed and read a third time to-morrow.

On motion of Mr. Matlock,

The several orders of the day which precede the bill, for the formation of a new county, out of the county of Wabash, were for the present postponed.

The house then resolved itself into a committee of the whole, on said bill; and after some time spent therein, the Speaker resumed the chair, and Mr. Huntington reported progress, and asked leave to sit again, which leave was granted by the house.

And then the House adjourned until 2 o'clock P. M.

2 o'clock P. M.

The House met pursuant to adjournment.

The house again resolved itself into a committee of the whole, on the bill for the formation of a new county out of the county of Wabash, and after some time spent therein, the Speaker resumed the chair, and Mr. Irwin reported said bill with several amendments;

Which were concurred in generally by the house.

Mr. Matlock moved to amend the title of said bill, so as to make the same read,

"A bill for the formation of the county of Carroll;" which was carried in the affirmative.

Ordered, That said bill be engrossed, and read a third time to-morrow.

The house resolved itself into a committee of the whole, on the engrossed bill from the Senate, entitled "an act to establish a levee to preserve the road leading from Vincennes, through the lower prairie, near to the Wabash river," and after some time spent therein, the Speaker resumed the chair, and Mr. Jackson reported the same with one amendment.

Which was again read at the Clerk's table, and concurred in by the house.

Ordered, That said amendment be engrossed, and that said bill be read a third time to-morrow.

The house resolved itself into a committee of the whole, on the bill attaching a part of the county of Clay to the county of Owen, and after some time spent therein, the Speaker resumed the chair, and Mr. Johnson of P. reported said bill with one amendment.

Mr. Elliott moved to postpone the further consideration of said bill and amendment, indefinitely.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. De Pauw, Elliott, Howk, Lomax, Matlock, M'Clure, Pabody, Percy, Spann, Stapp and Wilson,—11.

And those who voted in the negative are,

Messrs. Adams, Allen, Annable, Beard, Bassett, Blair, Boon, Brown, Campbell, Claypool, Clendenin, Craig, Decoursey, Graham, Hendricks, Huntington, Irwin, Jackson, Johnson of P. Johnston of V. and W. Jones, Judah, Kinnard, Lemon, Levenworth, Lewis, Little, Long, Marshall, M'Kinney, M'Pheeters, Newell, Pollock, Read of D. and M. Reid of F. Roberts, Slaughter, Smiley, Steele, Stevens, Veatch, Wallace, Watts, Work, Worth, and Moore Speaker—46.

And so said motion was decided in the negative.

The question recurring on concurring in the amendment, made in committee of the whole, to said bill, which was by striking out the words following, in the first section, to wit:

"That sections 22, 27 and 34, in township no. 12, north of range no. 5, west of the 2nd principal me-

idian, and sections no. 3, 10, 15, 22, 27 and 34, in township no. 11, north of range 5, west of the second principal meridian, be, and the same is hereby attached to, and declared to be a part of the county of Owen," and inserting the following in lieu thereof, to wit:

"That the following territory be, and the same is hereby attached to the county of Owen, to wit: Beginning at the south east corner of said county of Owen, thence south one mile, thence west eight miles, thence north one mile, thence east, on the line dividing the counties of Owen and Green, eight miles, to the place of beginning."

And the ayes and noes being required on the question to concur in said amendment, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Beard, Decoursey, Elliott, Howk, Irwin, Lewis, Little, Lomax, Matlock, M'Clure, M'Kinney, M'Pheeters, Pabody, Percy, Pollock, Reid of F. Roberts, Slaughter, Spann, Stapp, Steele, Stevens, Veatch and Worth—24.

And those who voted in the negative are,

Messrs. Adams, Allen, Annable, Bassett, Blair, Boon, Brown, Campbell, Claypool, Clendenin, Craig, De Pauw, Graham, Hendricks, Huntington, Jackson, Johnson of P. Johnston of V. and W. Jones, Judah, Kinnard, Lemon, Levenworth, Long, Marshall, Newell, Read of D. and M. Smiley, Wallace, Watts, Wilson, Work, and Moore Speaker—33.

And so the house refused to concur in said amendment.

Ordered, That said bill be engrossed, and read a third time to-morrow.

The house resolved itself into a committee of the whole, on the joint resolution relative to crimes and punishments, and after some time spent therein,

the Speaker resumed the chair, and Mr. Johnston of V. and W. reported the same with one amendment.

Mr. Boon then moved to postpone the further consideration of said joint resolution and amendment indefinitely.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Adams, Allen, Blair, Boon, Clendenin, De Pauw, Elliott, Graham, Huntington, Irwin, Jackson, Jones, Kinnard, Lemon, Levenworth, Lewis, Little, Lomax, Long, Matlock, M'Clure, M'Kinney, M'Pheeters, Newell, Percy, Smiley, Stapp, Veatch, Wallace, Watts and Work—31.

And those who voted in the negative are,

Messrs. Annable, Bassett, Beard, Brown, Campbell, Claypool, Craig, Decoursey, Hendricks, Howk, Johnson of P. Johnston of V. and W. Judah, Marshall, Pabody, Pollock, Read of D. and M. Reid of F. Roberts, Spann, Steele, Stevens, Wilson, Worth, and Moore Speaker—25.

And so said motion was carried in the affirmative.

And then the house adjourned until to-morrow morning 9 o'clock.

SATURDAY MORNING, DECEMBER 22, 1827.

The House met pursuant to adjournment.

Mr. Wilson presented the petitions of Samuel Hall and others, Elisha Embre and others, and of William French and others of Gibson county, praying the passage of a law, to levy an additional tax on said county, for purposes of education, which was read and referred to a select committee of Messrs. Wilson, Johnston of P. and Annable.

Mr. Judah presented a petition of John Law and others, citizens of Knox county, praying the location of a state road from Vincennes, to intersect the state road, which leads from Washington to Indianapolis, at Spencer, which was read and referred to the standing committee on roads.

Mr. Claypool presented a petition of Adam Banks and others, citizens of Wayne county, praying part of said county may be attached to the county of Fayette, which was read, and,

On motion of Mr. Steele,

The same was ordered to lie on the table.

Mr. Boon presented petitions of Elijah Veatch and others, citizens of Green county, John Terry and others, and of John Benefill and others, citizens of Sullivan county, praying part of the county of Green may be attached to the county of Sullivan, which was read, when,

Mr. Adams moved to lay the same on the table, which was carried in the affirmative.

Mr. Judah presented a petition of General W. Johnston of Knox county, praying the Legislature to legalize certain acts of his, as master in chancery, which was read and referred to the Judiciary committee.

Mr. De Pauw from the committee on the affairs of

the town of Indianapolis, to whom was recommitted the bill requiring certain duties to be performed by the Auditor of public accounts, the Secretary and Treasurer of State, with certain instructions, reported the same, with one amendment.

Mr. Stevens then moved to amend said amendment, by striking out the words "Secretary and Treasurer of State," which was carried in the affirmative.

The amendment proposed by said committee as amended, was then agreed to by the house.

The said bill was committed to a committee of the whole house on Monday next.

Mr. De Pauw from the same committee, to whom was referred a resolution of this house, on the subject of selling the market square, north of the court house, in the town of Indianapolis, and the remonstrance of Jordan Vigus and others on that subject, made the following report thereon, to wit:

The standing committee on the affairs of the town of Indianapolis, to whom was referred a resolution of this house, directing an inquiry into the expediency of authorising by law, the laying off and disposing of at public sale, the market house square in said town, and the remonstrance of Jordan Vigus and others, against the measure: Now report that they have had the object of that resolution under their consideration, and unanimously agree that a sale of the square in question, without the consent of the owners of lots in the east half of the town, would be a violation of contract, as well as of public faith, and that the sanctity of both should be held by the General Assembly equally inviolate. Your committee therefore recommend the adoption of the following resolution, to wit:

Resolved, That it is inexpedient to legislate on that subject; which report was read and agreed to by the house.

Mr. Boon from the committee on claims, to whom was referred the petition of William White, made the following report thereon, to wit.

The committee of claims, to whom was referred the claim of William White, have had the same under consideration, and have directed me to report:

That it would be inexpedient to legislate on the claim, and therefore request to be discharged from the further consideration of that subject.

Which report was concurred in by the house.

Mr. Wallace from the committee on roads, to whom was referred a resolution of this house, on that subject, reported a bill to establish a state road from Indianapolis, by way of Danville and Rockville, to Montezuma, which was read the first time, and passed to a second reading on Monday next.

On motion of Mr. De Pauw,

Resolved, That the agent of state for the town of Indianapolis, be requested to report to this house, a statement of the amount which has accrued to Marion county, under existing laws, for the use of a county Library therein.

Mr. Claypool presented the following preamble and resolution, to wit:

Whereas, by an act of the last General Assembly of the State of Indiana, authorising the electors of Fayette county, to elect Trustees to manage the Seminary fund of said county; and whereas the Trustees so elected, are about to build a Seminary of learning, and are anxious to obtain all the funds due to the institution, to enable them to erect a building that will be useful and convenient for the purpose for which it is designed. Therefore,

Resolved, That there be a select committee appointed to inquire into the propriety of authorising the Trustees of the Fayette county Seminary, to draw from the Treasury of State, the sum due said county, out of the fund arising from the provisions

of the 3d section of the 9th article of the constitution of this state, now in the Treasury, with leave to report by bill or otherwise.

The above resolution being read, the same was agreed to by the house.

Ordered, That Messrs. Claypool, Bassett and Steele be the select committee, in pursuance of said resolution.

The house took up and proceeded to consider the orders of the day.

The bill to carry into effect the 8th article of the constitution of Indiana.

The engrossed bill from the Senate, entitled an act to incorporate the Indianapolis steam mill company.

The engrossed bill from the Senate, entitled an act to amend the law regulating grist mills and millers.

The engrossed bill from the Senate, entitled, an act to establish a state road from Leavenworth *via* Bono, to Indianapolis, were severally read the second time, and committed to a committee of the whole house on Monday next.

The bill for the relief of Caleb Harrison, was read the second time, and ordered to be engrossed and read the third time on Monday next.

The engrossed bill from the Senate, entitled, an act to amend the law regulating the militia of the state of Indiana, approved January 20, 1824, was read the second time, and committed to the same committee of the whole house, to whom was committed the bill of this house, on the same subject.

The engrossed bill from the Senate, entitled an act to amend an act entitled an act, to provide for the partition of real estate, approved January 2, 1824; and

The engrossed bill from the Senate, entitled, an

act making further provision for the sale of the seminary townships of land, in Monroe and Gibson counties, and for other purposes; were severally read the second time, and committed to a committee of the whole house on Tuesday next.

The bill to incorporate the Montezuma agricultural and domestic manufacturing association, was read the second time, and ordered to be engrossed and read a third time on Monday next.

The engrossed bill attaching part of the county of Clay to the county of Owen, was read the third time.

And the question being put, shall said bill pass?

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Adams, Annable, Bassett, Blair, Boon, Clavpool, Clendenin, Craig, Graham, Jackson, Johnson of P. Johnston of V. and W. Jones, Judah, Kinard, Lemon, Levenworth, Long, Marshall, Newell, Read of D. and M. Slaughter, Smiley, Wallace, Watts, Work, and Moore Speaker—27.

And those who voted in the negative are,

Messrs. Allen, Beard, Brown, Campbell, Decoursey, De Pauw, Elliott, Hendricks, Howk, Huntington, Irwin, Lewis, Little, Lomax, Matlock, M'Clure, M'Kinney, M'Pheeters, Pabody, Percy, Pollock, Reid of F. Roberts, Spann, Steele, Stevens, Wilson and Worth—28.

And so said bill was lost.

A message was received from the Senate by Mr. Farnham, their Assistant Secretary, announcing that the Senate have passed the following engrossed bills, entitled acts, to wit:

An act authorising the marking and viewing certain roads, and an act to amend an act entitled an act, amendatory of the law, and for the better advancement of justice, approved January 20th, 1826; in which bills the concurrence of this house is requested.

The said bills from the Senate were read the first time, and passed to a second reading on Monday next.

The engrossed bill attaching a portion of the vacant territory, lying adjoining the county of Floyd to said county, and the engrossed bill for the formation of the county of Carroll, were severally read the third time and passed.

Ordered, That the same be entitled acts, and that the Clerk carry the same to the Senate, and ask their concurrence therein.

The engrossed bill for the relief of purchasers of lots in the town of Indianapolis, which have become forfeited to the state, was read the third time.

And the question being put, shall said bill pass?

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Adams, Allen, Annable, Beard, Blair, Boon, Campbell, Clendenin, Decoursey, De Pauw, Elliott, Graham, Hendricks, Howk, Irwin, Johnson of P. Johnston of V. and W. Jones, Kinard, Little, Lomax, Long, M'Pheeters, Newell, Pabody, Pearcey, Read of D. and M. Roberts, Slaughter, Smiley, Stapp, Steele, Stevens, Wallace, Watts, Work and Moore, Speaker—37.

And those who voted in the negative are,

Messrs. Bassett, Brown, Claypool, Craig, Huntington, Jackson, Judah, Lemon, Levenworth, Lewis, Marshall, Matlock,

McClure, McKinney, Pollock, Reid of F. Spann, Wilson and Worth—19.

And so said bill passed.

Ordered, That the same be entitled an act, and that the Clerk carry the same to the Senate, and ask their concurrence therein.

And then the house adjourned until Monday morning 9 o'clock.

MONDAY MORNING, DECEMBER 24, 1827.

The house met pursuant to adjournment.

Mr. Percy presented a petition of Arthur Mahornay and others, of Putnam county, praying the location of a state road, from the point on Mill creek, where the United States' road will cross the same, through Greencastle to Rockville in Parke county, which was read and referred to the committee on roads.

Mr. Johnson of V. and W. presented a petition of Chester Elliott and others, of Warrick county, praying the location of a state road from the Ohio river, opposite the Yellow Banks, by the way of French Lick Island and Boonville to Princeton, which was read and referred to a select committee of Messrs Johnston of V. and W. Veatch and Annable.

Mr. Claypool presented a petition of George Walker and others, of Wayne county, praying part of said county may be attached to Fayette county.

Mr. Elliott moved to lay said petition on the table, which was decided in the negative.

Said petition was then referred to a select committee of Messrs. Claypool, Steele and Spann.

The petition of Adam Banks and others on the same subject was taken up and referred to the same committee.

Mr. M'Kinney presented a petition of William C. Rogers and John Clingman, residents of the city of Cincinnati, Ohio, praying an act of incorporation under the title of the Franklin cotton manufacturing company, which was read and referred to a select committee of Messrs. M'Kinney, Pabody and Worth.

Mr. M'Kinney also presented a petition of William C. Rogers, praying an act of incorporation to himself and others, under the name and title of the White Water cotton manufacturing company, which was read and referred to the last named committee.

Mr. M'Kinney also presented a petition of William R. Morris and others, citizens of Franklin and Rush counties, praying an act of incorporation, under the name of the Indianapolis and White water turnpike company, for the purpose of making a turnpike road from Indianapolis to the town of Harrison, by the way of Rushville and Brookville, which was read and referred to the same select committee to whom was referred, the petition of William C. Rogers and another.

Mr. Wallace, from the standing committee on roads, made the following report, to wit:

The committee on roads to whom was referred, the petition of Marcellus Withers and others, citizens of Knox county, praying a change in the road leading from Albany to Vincennes; and also the remonstrance of Richard Steen and others, against said petition, have had the same under consideration, and have directed me to report, that in their opinion the laws of the land, as administered in the ordinary courts of justice, are amply sufficient

to furnish them with redress for any grievances complained of in said petition; they therefore ask to be discharged from the further consideration of the aforesaid petition and remonstrance; which report was read and concurred in by the house.

Mr. Wallace, from the same committee, also made the following report, to wit:

The committee on roads to whom was referred the petition of John Law and other citizens of Knox county, praying the location of a certain state road therein named, have had the same under consideration, and have directed me to report, that they deem it inexpedient to legislate on that subject at this time: They therefore ask to be discharged from the further consideration of the same.

The said report was read and concurred in by the house.

Mr. Wilson from the select committee to whom was referred petitions of sundry citizens of Gibson county on that subject, reported a bill for the benefit of the Gibson county seminary, which was read the first time, and passed to a second reading to-morrow.

The following message was received from His Excellency the Governor, by John N. Wick:

Mr. Speaker—The Governor has directed me to announce to the house of representatives that the enrolled bill entitled an act for the relief of Thomas Wyatt, which originated in this house, has on this day, December 24, received his approbation and signature, and has been delivered to the secretary of state.

Mr. Blair from the select committee to whom was referred a petition of sundry citizens of Green county, on that subject, reported a bill to attach a part of the county of Green to the county of Monroe, which was read the first time and passed to a second reading to-morrow.

The Speaker laid before the house a communication from B. I. Blythe, agent of state for the town of Indianapolis, inclosing a report, in pursuance of a resolution of this house on Saturday last; which was read and referred to the committee on the affairs of the town of Indianapolis.

Mr. Bassett, after having obtained leave, presented a bill to amend the act entitled an act for the benefit of such persons as have or are likely to suffer by the destruction of the records of Dearborn county, which were consumed by fire in the court house at Lawrenceburgh, on the morning of the 6th of March, 1826, approved January 11th, 1827, which was read the first time and passed to a second reading to-morrow.

The house took up and proceeded to consider the orders of the day.

The engrossed bill, from the senate, entitled an act authorising the marking and viewing certain roads: and

The bill to establish a state road from Indianapolis by way of Danville and Rockville to Montezuma, were read the second time and committed to a committee of the house on Wednesday next.

The engrossed bill, from the senate, entitled an act to amend an act entitled an act amendatory of the law and for the better advancement of justice, approved January 20, 1827, was read the second time and committed to a committee of the whole house to-morrow.

The engrossed bill for the benefit of Peter Charley, Elijah Hurst and John Watkins, late trustees of congressional township No. 3 south, and range No. 4 east, in the Jeffersonville district:

The engrossed bill for the relief of Caleb Harrison: and

The engrossed bill, from the senate, entitled an act to establish a levee to preserve the road lead-

ing from Vincennes through the lower prairie, near to the Wabash river, were severally read the third time, the latter as amended, and passed.

Ordered, That the two first named bills be entitled acts, and that the clerk carry the same to the senate and ask their concurrence therein; and that he carry the last named bill to the senate and ask their concurrence in the amendment made thereto.

The house resolved itself into a committee of the whole on the bill relative to the Knox county seminary, and after some time spent therein, the speaker resumed the chair and Mr. Jones reported the same with several amendments, which were again read at the clerk's table, and concurred in by the house.

Ordered, That said bill be engrossed and read a third time to-morrow.

The house resolved itself into a committee of the whole on the engrossed joint resolution from the senate, on the subject of internal improvements and domestic manufactures, and after some time spent thereon, the speaker resumed the chair and Mr. Judah reported the same with one amendment; which was again read at the clerk's table, and concurred in by the house.

Ordered, That the amendment to said joint resolution be engrossed and that the same be read a third time to-morrow.

The Speaker laid before the house the following message from the Governor, to wit.

EXECUTIVE DEPARTMENT, }
INDIANAPOLIS, DEC. 24, 1827. }

Hon. H. H. Moore,
Speaker of the House of Representatives.

SIR—Permit me to inform the house of representatives, through you, that the necessity of having a

private secretary not being recognized by the constitution or any law of the country, I have not been convinced that duty required me to make such an appointment. Since I have been in office, I have done all the business required of the Executive of Indiana, in person, and expect in future to pursue that course. In reporting the approval of bills or any other matter, the possession of the bill or other paper from me, may be considered as authorising such individual to make that communication.—When I approve of bills or joint resolutions, they are forthwith filed in the secretary's office, whose duty, I presume, it will then be to report them to the house in which it originated.

Respectfully, your obedient servant,

J. B. RAY.

The house resolved itself into a committee of the whole on the engrossed bill from the Senate, entitled an act to continue the state road from Bono to Terre Haute, and after some time spent therein, the Speaker resumed the chair, and Mr. Kinnard reported the same, with several amendments; which were again read at the clerk's table, and concurred in by House.

Ordered, That the amendments to said bill be engrossed, and that the same be read the third time to morrow.

The house resolved itself into a committee of the whole on the engrossed bill from the Senate, entitled an act to authorize persons to retail spiritous or strong liquors, without the requisitions of a tavern keeper, and after some time spent therein, the Speaker resumed the chair, and Mr. Lemon reported progress, and asked leave to sit again.

Which leave was granted by the house.

And then the House adjourned until 2 o'clock P. M.

2 o'clock P. M.

The House met pursuant to adjournment.

The house resolved itself into a committee of the whole on the bill making an appropriation for the completion of the house for the Executive of state, and for other purposes, and after some time spent therein, the Speaker resumed the chair, and Mr. Levenworth reported the same without amendment.

Mr. Kinnard moved to amend said bill by striking it out from its enacting clause.

Which reads in the words following, to wit:

"That the contract made by Samuel Merrill, treasurer of state, and Benjamin I. Blythe, agent of state for the town of Indianapolis, as agents for the state, with Austin Bishop, Robert Culbertson, William Smith and William Speaks, for building and completing a brick house in the Governor's Circle, for the residence of the executive of state, as specified and expressed in a certain bond or obligation to the state of Indiana, executed by the said Bishop, Culbertson, Smith and Speaks, together with their securities, and bearing date the 17th of March, 1827, and further expressed and exemplified in an article of agreement and bill of particulars mentioned in the conditions of the above recited obligation and of equal date therewith, be, and the same is hereby approved of, ratified and confirmed, to all intents, and purposes, according to the true expression of the stipulations contained in the obligation and article of agreement aforesaid.

Sec. 2. That the sum of two thousand and forty dollars be, and the same is hereby appropriated out of any monies in the state treasury arising from the sale of lots in the said town of Indianapolis, not otherwise appropriated. The agents aforesaid are authorized and empowered to apply the said sum; in

addition to the amount heretofore appropriated for that purpose; in full discharge (on the part of the state) of the contract contained in the writings obligatory aforesaid.

Sec. 3. It shall be the duty of the agents aforesaid forthwith after the taking effect of this act, to file in the office of secretary of state, the bond, together with the article of agreement described in the first section of this act; and the agents aforesaid shall, when the undertakers of the said building fulfil and complete the contract on their part, endorse thereon their acquittance and discharge from the penalty contained therein.

This act to take effect and be in force from and after its passage."

And inserting the following in lieu thereof, to wit: WHEREAS, An act was passed by the last General Assembly, approved January 26th, 1827, authorizing the treasurer and agent of state, to contract on the part of the state of Indiana, for the erection of a house for the residence of the executive of state, on the Governor's Circle in the town of Indianapolis, and appropriating for that purpose the sum of four thousand dollars; and it appearing to the satisfaction of this General Assembly, that the said sum of four thousand dollars has been expended, and that it has proved to have been insufficient to complete the same, according to the plan of said building agreed upon by the treasurer and agent of state aforesaid: Therefore.

Sec. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the sum of two thousand and forty dollars be, and the same is hereby appropriated out of any monies in the state treasury arising from the sales of lots in the town of Indianapolis, not otherwise appropriated, for the purpose of completing said house; and the agent of state is hereby authorized and empowered to apply the said sum or

so much thereof as may be found necessary for the above purpose; and it is hereby made the duty of the agent of state to give public notice in the newspapers printed at Indianapolis, that he will, on a day certain, previous to the day of next, receive written proposals for the completion of said building according to the plan agreed upon as aforesaid, by the said treasurer and agent of state; and the said agent of state shall contract with the lowest and best bidder therefor; taking good and sufficient security in the sum of dollars, payable to the state of Indiana, for the faithful performance of the contract.

Sec. 2. Be it further enacted, That it is hereby made the duty of the agent of state, to make to the next General Assembly, a detailed report of his proceedings under this act.

Which motion was decided in the negative.

The said bill was then ordered to be engrossed, and read a third time to-morrow.

The house resolved itself into a committee of the whole on the bill relative to limited partnerships, and after some time spent therein, the Speaker resumed the chair, and Mr. Lewis reported the same with several amendments.

Which were read and concurred in by the House.

Ordered, That the said bill be engrossed and read a third time to morrow.

The house resolved itself into a committee of the whole on the bill to locate and open a state road from Indianapolis to Crawfordsville, and after some time spent therein, the Speaker resumed the chair, and Mr. Little reported the same with several amendments.

Which were again read at the clerk's table, and concurred in by the house.

Mr. Stevens moved further to amend said bill, by

the addition of the following as sections 7 and 8 to said bill, to wit:

Sec. . That the sum of five hundred dollars out of the debt due from the state of Indiana to the three per cent. fund, be, and the same is hereby appropriated, to be expended by the commissioners on the state road from the town of York on the Ohio river, in Switzerland county, northwestwardly until it passes near Allenville, thence as nearly due west as practicable, until it intersects the state road from Vevay to Versailles, in opening said road the whole length thereof in equal proportion.

Sec. . That the sum of three hundred dollars out of the debt due from the state of Indiana to the three per cent. fund, be and the same is hereby appropriated to be expended by the commissioners of the state road from James M'Kay's on the Ohio river, in Switzerland county, to the state road from Vevay to Versailles, at or near the fourteen mile post, in opening said road the whole length thereof in equal proportion.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

MESSRS. Bassett, Brown, Campbell, Craig, Decoursey, Hendricks, Irwin, Levenworth, Matlock, Marshall, Pabody, Pollock, Slaughter, Spann, Stapp, Steele, Stevens, Wilson and Moore, Speaker—19.

And those who voted in the negative are,

MESSRS. Adams, Annable, Allen, Beard, Blair, Boon, Claypool, Clendenin, De Pauw, Elliott, Graham, Howl, Johnson of P., Jackson, Johnston of V. and W., Jones, Judah, Kinnard, Lemon, Lewis, Lomax, Long, M'Clure, M'Kinney, M'Pheeters, Newell,

Pearcy, Read of D. and M., Reid of F., Smiley, Veatch, Wallace, Watts, Work and Worth—35.

And so said motion was decided in the negative.

Mr. Matlock moved further to amend said bill, by inserting in the first section thereof, after the words "of Marion county," the words following: "and Edward Hobson of Hendricks county.

Which was carried in the affirmative.

Ordered, That said bill be engrossed, and read a third time to-morrow.

On motion of Mr. Craig,

The committee of the whole house, to whom was committed the bill respecting the state and county revenue due from the county of Clay for the year 1826, were discharged from the further consideration thereof.

Said bill was then ordered to be engrossed, and read a third time to-morrow.

On motion of Mr. Decoursey,

The committee of the whole house to which was committed the engrossed bill from the Senate, entitled an act for the benefit of the devisees of Thomas Watts, deceased, were discharged from the further consideration thereof.

Mr. Craig then moved to amend said bill by striking it out from its enacting clause, which reads in the words following, to wit:

"That all the right, title and claim to which the devisees of Thomas Watts, deceased, are entitled to the part of the fractional section number twenty-nine, township five, range three, which lies north of a line drawn from the centre of the section, running east and west be, and the same is hereby fully and absolutely vested in John Watts in fee forever; and all the right and title of the said John Watts to the part of said fractional section lying south of said central line, be and the same is hereby fully and ab-

solutely vested in the devisees of the said Thomas Watts in fee forever.

Sec. 2. *And be it further enacted*, That all that part of said fractional section so as above secured to the devisees aforesaid of Thomas Watts, shall be sold at public vendue for the best price it will bring by Daniel Kelso, of Dearborn county, who is hereby appointed a commissioner for that purpose, and who is required to give six weeks notice of such sale in the *Indiana Palladium*, published at Lawrenceburgh. The said commissioner is directed to allow a credit of twelve months at said sale, on bond with approved security being given, being freehold, for payment of the purchase money to John Watts, administrator of the estate of Thomas Watts, with the will annexed: and on the production of the receipt therefor of the said administrator, the said commissioner is authorised to convey the said tract last named, in fee simple to the purchaser, reserving, however, the lease of Polly Shepherd, which is to be and remain insured on said tract as originally given. The said commissioner shall be allowed one dollar and fifty cents per day whilst engaged as above authorised; and the circuit court of Dearborn county is authorised to appoint a substitute for said commissioner, if necessary.

This act to take effect from and after its publication.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Adams, Annable, Campbell, Claypool, Clendenin, Craig, De Pauw, Elliott, Hawk, Irwin, Johnson of P. Johnston of V. and W. Jones, Judah, Kinnard, Lemon, Lomax, Long, Marshall, Matlock, McClure, Percy, Read of D. and M. Smiley, Steele, Veatch, Wallace, Wilson, Work, and Moore Speaker—30.

And those who voted in the negative are,

Messrs. Allen, Beard, Bassett, Blair, Boon, Brown, Descoursey, Graham, Hendricks, Jackson, Levenworth, Lewis, M'Kinney, M'Pheeters, Newell, Pabody, Pollock, Reid of F. Slaughter, Spann, Stapp Stevens, Watts and Worth—24.

And so said motion was carried in the affirmative.

On motion of Mr. Bassett,

Said bill was ordered to lie on the table.

Mr. Worth from the joint committee on enrolled bills, reported,

That they have compared the enrolled with the engrossed bills of the following titles, to wit.

An act supplemental to the act entitled an act regulating the admission and practice of attornies and counsellors at law, approved January 31, 1824:

An act supplemental to an act to provide for carrying the laws into effect in new counties. Also,

A joint resolution respecting the office of the clerk of the district court of the United States for the district of Indiana, and find the same truly enrolled: Whereupon,

The Speaker signed the same.

Ordered, That the Clerk carry the same to the Senate for the signature of their President.

And then the house adjourned until to-morrow morning nine o'clock.

TUESDAY MORNING, DECEMBER 25, 1827.

The house met pursuant to adjournment.

And then the house adjourned until to-morrow morning nine o'clock.

WEDNESDAY MORNING, DECEMBER 26, 1827.

The House met pursuant to adjournment.

Mr. Elliott presented a petition of Samuel Hannah and others, of Wayne county, praying authority may be given by law to the board of justices of said county, to sell a part of the public square in the town of Centreville; which was read, and referred to a select committee of Messrs. Elliott, Spann and Slaughter.

Mr. Pabody presented a petition of James S. Smyth and others, citizens of Jefferson and Jennings county, praying that that part of the town of Paris which lies in the county of Jefferson, may be attached to the county of Jennings: which was read and referred to a select committee of Messrs. Pabody, Stapp, Spann and Pollock.

Mr. De Pauw, from the committee on the affairs of the town of Indianapolis, made the following report, to wit:

The standing committee on the affairs of Indianapolis, to whom were referred the communication of Samuel Merrill and Benjamin I. Blythe, agents for the state in negotiating a contract for the erection of a building for the residence of the executive, communicated in obedience to a resolution of this house, together with the accompanying proposals (for doing that work) of Col. Paxton and others, now report—that your committee have had under their consideration said documents, and a majority of them say on examination, that they can discover nothing therein that goes in the least, to induce your committee to censure those agents in relation to the course pursued by them in negotiating the contract alluded to.

In relation to the inquiry solicited by those gentlemen in their said communication, your committee would suggest, that there being no charge preferred

on which such investigation could be predicated; deem it unnecessary for the house to institute the inquiry asked for under such circumstances; therefore, recommend the adoption of the following resolution, to wit:

Resolved, That said committee be discharged from any further examination of the documents, and subjects therein contained, referred to them as aforesaid.

Which report was read and concurred in by the house.

Mr. Wallace from the committee on roads, to whom was referred sundry resolutions of this house, directing a revision of the road laws, with such amendments as they may deem necessary, reported a bill for opening and repairing public roads and highways, which was read the first time and passed to a second reading to-morrow.

Mr. Wilson from the select committee to whom was referred a resolution of this house directing an enquiry into the expediency of reducing the fees of officers, and of repealing the law allowi g docket fees to attorneys, reported a bill supplementary to the several acts regulating the fees of the officers therein named, which was read the first time and passed to a second reading to-morrow.

A message was received from the senate by Mr. Farnham, their assistant secretary, announcing that the senate have passed an engrossed bill from the house of representatives, entitled an act to amend an act entitled an act respecting apprentices, with amendments: Also,

A joint resolution and communication of the general assembly of the state of Indiana to the general assembly of the state of Ohio, on the subject of connecting the waters of the Wabash river with those of Lake Erie, in which last joint resolution, together with the amendments to the bill first named, the

concurrence of the house of representatives is requested.

The amendments made by the senate to the first named bill were read and agreed to by the house.

Ordered, That the clerk inform the senate thereof.

The said joint resolution, from the senate, was read the first time and passed to a second reading to-morrow.

Mr. Roberts from the select committee to whom was referred the petition of Isaiah Cox and others, of Daviess county, made the following report thereon, to wit:

The select committee to whom was referred the petition of Isaiah Cox and others, citizens of Daviess county, praying to be attached to Lawrence county, have had the same under their consideration, and have directed me to report,

That the granting the prayer of the petitioners would afford them a temporary accommodation, but would at the same time have a tendency to stir up the spirit of disunion and dissatisfaction, which was created amongst the citizens of Lawrence county seat; a majority of the committee, in consequence of the foregoing considerations, are of opinion that the prayer of the petitioners ought not to be granted at this time.

The above report was read and concurred in by the house.

Mr. Claypool from the select committee to whom was referred a resolution of this house on the subject of the amount of seminary fund due the Fayette county seminary, reported a bill to authorise the trustees of the Fayette county seminary to draw their part of the seminary fund, which was read the first time and passed to a second reading to-morrow.

Mr. McKinney from the select committee to whom was referred the petition of William R. Morris and

others, praying the incorporation of a company to construct a turnpike road from Indianapolis to Harrison, in the county of Dearborn, by the way of Rushville and Brookville, reported a bill in pursuance of the prayer of the petitioners, which was read the first time and passed to a second reading to-morrow.

Mr. Levenworth from the select committee to whom was referred a petition and remonstrance of sundry citizens of Crawford county, and the protest of Reuben D. Thom, and sundry other documents on the subject of the relocation of the county seat of Crawford county, reported a bill appointing commissioners to relocate the county seat of said county, which was read the first time and passed to a second reading to-morrow.

On motion of Mr. Huntington,

Resolved, That the committee of ways and means be instructed to enquire into the expediency of procuring to be half bound the laws passed by the present general assembly, according to the specimens now lying on the clerk's table, and that said committee have leave to report by joint resolution or otherwise.

On motion of Mr. Craig,

The house took up and proceeded to consider the resolution offered by him on the 17th instant, which reads in the words following, to wit:

Resolved, That Samuel Merrill and B. I. Blythe, agents on the part of the state, to contract for, and superintend the erection of a house, on the Governor's Circle, in the town of Indianapolis, for the use of the Executive of this state, have discharged that duty to the entire satisfaction of this house.

And the question being put, shall said resolution be adopted?

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Adams, Allen, Annable, Beard, Blair, Bassett, Boon, Brown, Claypool, Clendenin, Craig, Decoursey, De Pauw, Elliott, Hendricks, Howk, Huntington, Irwin, Jackson, Johnson, of P. Johnston of V. and W. Judah, Levenworth, Lewis, Little, Lomax, Long, Marshall, M'Pheeters, Newell, Pabody, Percy, Pollock, Read of D. & M. Roberts, Slaughter, Smiley, Stapp, Steele, Stevens, Veatch, Wallace, Watts, Wilson, Work, Worth and Moore, Speaker—47.

And those who voted in the negative are,

Messrs. Graham, Jones, Kinnard, Lemon, Matlock, M'Clure, M'Kinney, Reid of F. and Spann—9.

And so said resolution was adopted.

Mr. Watts presented the following resolution, which he afterwards withdrew, to wit:

Resolved by the general assembly of the state of Indiana, That it is unconstitutional to reduce any old county below the quantum of four hundred square miles at any time whatever.

On motion of Mr. Hendricks,

The house took up and proceeded to consider the bill attaching part of the county of Shelby to the county of Decatur.

Mr. Smiley moved to postpone the further consideration of said bill until the first Monday in December next, which was decided in the negative.

Said bill was then committed to a committee of the whole house on Friday next.

Mr. Huntington moved to take up the bill to locate a road from Lake Michigan, by the way of Indianapolis, to the Ohio river; which was decided in the negative.

The house took up and proceeded to consider the orders of the day.

The bill for the benefit of the Gibson county seminary, was read the second time and ordered to be engrossed and read a third time to-morrow.

The bill to attach a part of the county of Greene to the county of Monroe, was read the second time, and committed to a committee of the whole house on Monday next.

The bill to amend the act entitled "an act for the benefit of persons who have or are likely to suffer by the destruction of the records of Dearborn county, which were consumed by fire in the court house at Lawrenceburgh on the morning of the 6th of March, 1826, approved January 11th, 1827"—was read the second time, and ordered to be engrossed and read a third time to-morrow.

The engrossed joint resolution of the General Assembly, from the Senate, relative to internal improvements and domestic manufactures, was read the third time; and,

On motion of Mr. Craig,

Said joint resolution was re-committed to a committee of the whole house on Monday next.

And then the house adjourned until two o'clock P. M.

2 o'clock P. M.

The House met pursuant to adjournment.

The engrossed bill to locate and open a state road from Crawfordsville to Indianapolis;

The engrossed bill making an appropriation to complete the house for the use of the executive of this state, and for other purposes;

The engrossed bill to incorporate the Montezuma Agricultural and Domestic Manufacturing Association;

The engrossed bill relative to the Knox county poor house; and,

The engrossed bill respecting the state and county revenue due from the county of Clay for the year

1826; were severally read the third time and passed.

Ordered, That the same be entitled "acts," and that the clerk carry the same to the Senate, and ask their concurrence therein.

The engrossed bill from the Senate entitled an act to continue the state road from Bono to Terre Haute, was read the third time; when,

Mr. Adams moved to re-commit said bill to a committee of the whole house on Monday next; which motion was carried in the affirmative.

The house resolved itself into a committee of the whole on the bill to amend an act entitled an act to regulate the militia of the state of Indiana, approved January 20th, 1824, and also a bill from the Senate of the same title; and after some time spent therein, the Speaker resumed the chair, and Mr. Lomax reported progress, and asked leave to sit again; which leave was granted by the house.

The house resolved itself into a committee of the whole on the bill authorizing the leasing of Royse's Lick and Rock Lick reserves in the county of Washington; and after some time spent therein the Speaker resumed the chair, and Mr. Long reported the same with several amendments; which were concurred in by the house generally.

The said bill was then ordered to be engrossed, and read a third time to-morrow.

The house resolved itself into a committee of the whole on the bill authorizing the surveying and marking the boundary line between the counties of Washington and Clark, and for other purposes; and after some time spent therein, the Speaker resumed the chair, and Mr. Marshall reported the same with one amendment; which was by striking it out from its enacting clause; which was concurred in by the House; and,

On motion of Mr. Howk,

Said bill was ordered to lie on the table.

And then the house adjourned until to-morrow morning 9 o'clock.

THURSDAY MORNING, DECEMBER 27, 1827.

The house met pursuant to adjournment.

A message was received from the Senate, by Mr. Farnham, their assistant secretary, announcing that the Senate concur in the amendment made by the House of Representatives to the engrossed bill of the Senate, entitled an act to establish a levee to preserve the road leading from Vincennes, through the Lower Prairie, near to the Wabash river, with an amendment; in which amendment to the amendment the concurrence of the House of Representatives is requested.

They have passed an engrossed bill entitled an act to provide for the government of the seminary of Knox county, in which the concurrence of this house is requested.

The house refused to agree to the amendment made by the Senate, to the amendment made by the house to the first named bill.

Ordered, That the clerk inform the Senate thereof.

The second named bill from the Senate, was read the first time, and passed to a second reading to-morrow.

Mr. Wallace, from the committee on roads, to whom was referred the petition of Arthur Mehorney and others of Putnam county, made the following report thereon, to wit:

The committee on roads, to whom was referred the petition of Arthur Mehorney and others, citizens of Putnam county, praying the location of a certain

state road therein named, have had the same under consideration, and recommend that said petition be referred to the same committee of the whole house to whom was committed the bill to locate a road from Indianapolis to Montezuma.

Which report was read and agreed to by the house, and said petition was referred accordingly.

Mr. Kinnard, after having obtained leave, presented a joint resolution on the subject of extinguishing Indian title to lands in this state; which was read the first time, and passed to a second reading to-morrow.

Mr. Elliott, after having obtained leave, presented a bill to amend the act for the formation of Congressional Districts, and for the election of Senators and Representatives to Congress; which was read the first time, and passed to a second reading to-morrow.

Mr. Read of D. & M., moved to take up the engrossed bill from the Senate, entitled an act to authorize persons to retail spiritous or strong liquors without the requisitions of a tavern keeper; which was carried in the affirmative.

Mr. Worth moved to re-commit said bill to a committee of the whole house on Monday next; which was decided in the negative.

Mr. Lemon moved to re-commit said bill to a committee of the whole house, and make it the order of the day now; which motion was also decided in the negative.

Mr. Wilson then moved to postpone the further consideration of said bill indefinitely.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Adams, Allen, Beard, Bassett, Blair, Boon, Brown, Clendenin, Craig, Decoursey, Irwin, Jackson, Johnson of P-

Lewis, Lomax, M'Kinney, Newell, Pabody, Percy, Pollock, Reid of F. Roberts, Spann, Stapp, Watts, Wilson, Work and Worth—23.

And those who voted in the negative are,

Messrs. Annable, Claypool, De Pauw, Elliott, Graham, Hendricks, Howk, Huntington, Johnston of V. and W. Jones, Judah, Kinnard, Lemon, Levenworth, Little, Long, Marshall, Matlock, M'Clure, M'Pheeters, Read of D. and M. Slaughter, Smiley, Steele, Veatch Wallace and Moore, Speaker—27.

And so said motion was carried in the affirmative.

Mr. Craig moved that this house adjourn until tomorrow morning 9 o'clock.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

MESSRS. Adams, Allen, Annable, Bassett, Boon, Brown, Clendenin, Craig, De Pauw, Hendricks, Howk, Huntington, Irwin, Jackson, Johnson of P., Johnston of V. and W., Lemon, Levenworth, Lewis, Long, Marshall, M'Kinney, M'Pheeters, Pollock, Reid of F., Slaughter, Smiley, Spann, Stapp, Veatch, Wilson, Work, Worth and Moore, Speaker—34.

And those who voted in the negative are,

MESSRS. Beard, Blair, Claypool, Decoursey, Elliott, Graham, Jones, Judah, Kinnard, Little, Lomax, Matlock, M'Clure, Newell, Pabody, Percy, Read of D. and M., Roberts, Steele, Wallace, & Watts,—21.

And so said motion was carried in the affirmative.

And the house adjourned accordingly.

FRIDAY MORNING, DECEMBER 28, 1827.

The house met pursuant to adjournment.

On motion of Mr. Lemon,

Resolved, That a select committee be appointed to enquire into the expediency of amending the law incorporating the town of Charleston, so as to authorise the trustees of said town to purchase a piece of land for a burying ground, with leave to report by bill or otherwise.

Ordered, That Messrs. Lemon, Hawk and Work be that committee.

On motion of Mr. Read of D. and M.

The house took up and proceeded to consider the bill to locate a road from Lake Michigan by way of Indianapolis to the Ohio river: And

On motion of Mr. Stevens,

Said bill was again ordered to be laid on the table.

The house took up and proceeded to consider the orders of the day.

The joint resolution relative to the extinguishment of Indian title to lands in this state; and

The bill to amend the act for the formation of Congressional districts and for the election of senators and representatives to congress, were read the second time, and ordered to be engrossed and read a third time to morrow.

The engrossed bill, from the senate, entitled an act to provide for the government of the seminary of Knox county, was read the second time: and

On motion of Mr. Lomax,

The same was ordered to lie on the table.

The bill appointing commissioners to re-locate the seat of justice of Crawford county:

The engrossed joint resolution of the General Assembly of the state of Indiana, to the General Assembly of the state of Ohio, on the subject of con-

necting the waters of the Wabash river with those of Lake Erie;

The bill supplementary to the act entitled an act regulating the fees of the officers and persons therein named;

The bill to authorize the trustees of the Fayette county seminary to draw their part of the seminary fund; and,

The bill for opening and repairing public roads and highways; were severally read the second time, and committed to a committee of the whole house to-morrow.

On motion of Mr. Elliott,

Ordered. That one hundred copies of the last named bill be printed for the use of the members of this house.

The engrossed bill relative to limited partnerships was read the third time; and on the question being put, shall said bill pass?

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Allen, Annable, Beard, Bassett, Blair, Boon, Craig, Decoursey, De Pauw, Elliott, Hendricks, Howk, Irwin, Jackson, Johnson of P. Johnston of V. and W. Jones, Judah, Lemon, Levenworth, Little, Lomax, Long, Marshall, M'Pheeters, Newell, Pollock, Read of D. and M. Slaughter, Stapp, Steele and Moore, Speaker—32.

And those who voted in the negative are,

Messrs. Brown, Claypool, Clendenin, Graham, Kinnard, Lewis, Matlock, M'Clure, M'Kinney, Pabody, Percy, Reid of F., Roberts, Smiley, Spann, Stevens, Veatch, Wallace, Watts, Wilson, Work and Worth—22.

And so said bill passed.

Ordered, That the same be entitled an act, and that the clerk carry the same to the Senate, and ask their concurrence therein.

The engrossed bill for the benefit of the Gibson county seminary;

The engrossed bill to amend an act entitled an act to amend an act for the benefit of persons who have or are likely to suffer by the destruction of the records of Dearborn county, which were consumed by fire in the court house at Lawrenceburgh, on the morning of the 6th of March, 1826, approved January 11th, 1827; and,

The engrossed bill authorizing the leasing of Royse's Lick and Rock Lick reserves in Washington county; were severally read the third time, and passed.

Ordered, That the same be entitled acts, and that the Clerk carry the same to the Senate, and ask their concurrence therein.

Mr. Marshall, from the joint committee for enrolled bills reported, that they did on yesterday present to His Excellency the Governor, for his approval and signature, the following enrolled bills, entitled acts, to wit:

An act supplemental to the act entitled an act regulating the admission and practice of attornies and counsellors at law, approved January 31, 1824:

An act supplemental to an act to provide for carrying the laws into effect in new counties. And,

A joint resolution respecting the office of the clerk of the district court of the United States for the district of Indiana.

The following message was received from the Governor, by John N. Wick; to wit:

I am instructed by the Governor to inform the House of Representatives, that he did, on this day, approve and sign the following entitled acts, viz:

An act supplemental to an act to provide for carrying the laws into effect in new counties,

An act supplemental to an act entitled an act reg-

ulating the admission and practice of attorneys and counsellors at law, approved Jan. 31, 1824.

A joint resolution respecting the office of the clerk of the district court of the United States for the district of Indiana; which are filed in the office of the secretary of state.

Mr. Claypool moved to postpone for the present, the orders of the day; which was carried in the affirmative. When,

Mr. Kinnard presented the following preamble and resolution for the consideration of the house, to wit: WHEREAS, In a publication in the Indiana Journal of this day, Douglass Maguire, a reporter of the proceedings of this house, charges the member from the county of Marion, with having insulted the Speaker of this house, and of making unfounded insinuations against long tried and faithful public servants: Therefore,

Resolved, That a committee be appointed to investigate the truth of said charges.

Mr. Stevens moved to lay said preamble and resolution on the table.

And then the House adjourned until 2 o'clock P. M.

2 o'clock, P. M.

The house met pursuant to adjournment.

The house resumed the consideration of the preamble and resolution offered by Mr. Kinnard, and the motion of Mr. Stevens to lay the same on the table; which was under consideration when the house adjourned.

Mr. Stevens, with the leave of the house, withdrew his motion to lay said preamble and resolution on the table.

Mr. Kinnard then withdrew the said preamble and

resolution, and offered the following in lieu thereof, to wit:

WHEREAS, It appears to the satisfaction of this house, that one of its members, to wit: the Representative from the county of Marion, did, on the 24th of this inst., address a note to the editor of the Indiana Journal, requesting him to correct some alledged errors (reported by an authorized reporter, and published in that paper of the 18th inst.) so far as they concern said member, which note set forth the errors committed: And whereas, It appears from a note published in that paper of the 25th inst., that the editor refused to make such corrections, alledging that no such error as complained of had been committed: And whereas, Douglass Maguire, the reporter of this house, authorized to report their proceedings for publication in said Indiana Journal, by a note over his own signature, and published in that paper of the 25th inst. has stated in positive terms, that the report alluded to, and published in said paper, is substantially correct: And whereas, The said Maguire, reporter as aforesaid, in the same note, did charge the member aforesaid, with having insulted the Speaker of this house: Therefore,

Resolved, That a committee of five persons be appointed, with authority to investigate the subject matter of dispute between said member and said editor and reporter, and report to this house the result of such investigation.

And the question being put, shall said resolution be adopted? The same was decided in the negative.

A message was received from the Senate, by Mr. Farnham, their assistant secretary, announcing that the Senate have passed bills of the house of representatives of the following titles, to wit:

An act attaching a portion of vacant territory ly-

ing adjoining to the county of Floyd to said county.

An act supplemental to an act entitled an act changing the mode of doing county business in certain counties therein named, approved January 26, 1827.

An act to revive an act entitled an act for the relief of such persons as have suffered or may hereafter suffer by the destruction of the records of Knox county, which were consumed by fire at Vincennes, in the year 1814, passed 7th Sept. 1814; and,

An act to establish a canal to connect the navigable waters of the Wabash river with the navigable waters of the Miami of Lake Erie; the first of said bills without amendment, the three last with amendments, in which the concurrence of the house of representatives is requested.

Mr. Long moved that the house concur in the first amendment made by the Senate to the bill of this house entitled an act supplemental to an act changing the mode of doing county business in the counties therein named, with an amendment, which was by adding the words "and the county of Madison;" which was carried in the affirmative.

Mr. Matlock then moved to lay said bill and amendments on the table; which was carried in the affirmative.

On motion of Mr. Wilson,

The bill of this house to revive the act for the relief of those persons who have suffered by the loss of the records of Knox county, and the amendment made thereto by the Senate, was ordered to lie on the table.

The house agree to the 1st and 2d amendments made by the Senate to the bill of this house entitled an act to establish a canal to connect the navigable waters of the Wabash river, with the navigable wa-

ters of the Miami of Lake Erie, but disagree to the third amendment made thereto by the Senate.

Ordered, That the clerk inform the senate thereof.

And then the house adjourned until to-morrow morning nine o'clock.

SATURDAY MORNING, DECEMBER 29, 1827.

The House met pursuant to adjournment.

Mr. Boon moved to take up the several petitions which lie on the table, on the subject of attaching a part of the county of Green to the county of Sullivan, which was decided in the negative.

Mr. Elliott from the select committee to whom was referred the petition of Samuel Hannah and others, citizens of Wayne county, praying authority may be given by law to the board of Justices of said county to sell a part of the public square in the town of Centreville, reported a bill in pursuance of the prayer of the petitioners, which was read the first time and passed to a second reading on Monday next.

Mr. Johnston of V. and W., from the select committee to whom was referred the petition of Chester Elliott and others, citizens of Warrick county, reported a bill for locating and opening a state road from the Ohio river, opposite the Yellow Banks in Kentucky, to Princeton; which was read the first time and passed to a second reading on Monday next.

Mr. Levenworth from the select committee to whom was referred, that part of the message of His Excellency the Governor, which relates to the sovereignty of the public domain within the state of In-

diana, reported the following preamble and joint resolution, on that subject; which were read the first time, and passed to a second reading on Monday next.

The select committee to whom was referred, so much of his Excellency the Governor's message as relates to the right of soil and the eminent domain of the unappropriated lands within the state of Indiana—are ready to report that they have had the same under their consideration, and as far as opportunity would permit they have examined all the documents they could procure upon that subject; the principal of which are the following, to wit: the act of cession by the state of Virginia, of the Northwestern Territory to the United States, approved Dec. 20, 1823, the ordinance of the Congress of the United States, approved July 13, 1787. The Constitution of the United States, approved in Convention Sept. 17th 1787, and since adopted by the United States. The act of the state of Virginia, approved Dec. 30, 1799. The act of Congress, approved April 19, 1816. The ordinance of the Convention of Indiana Territory, approved June 10, 1816. The Constitution of the State of Indiana, approved June 29, 1816; all of which acts and ordinances in the opinion of your Committee, more or less affect the right of the eminent domain and soil of the unappropriated lands within the state of Indiana. In the first mentioned act the state of Virginia makes the cession of the Northwestern Territory to the United States, upon certain conditions and reservations among which are the following, to wit: the territory so ceded, shall be laid out and formed into states, containing suitable extent of territory, not less than 100 nor more than 150 miles square, or as near thereto as circumstances will permit; and that said states, so formed, shall be distinct republican states, and admitted members of the federal union; having the

same rights of sovereignty, freedom and Independence as the other states. The 5th article of the ordinance of congress, approved July 13th, 1787, seems to guarantee the same rights and privileges as the act of cession. The constitution of the United States puts all the members of the Federal Union upon a perfect equality, and guarantees to each state the enjoyment of the same rights and privileges, without any exception whatever. The act of Congress, approved April 19th, 1816, is again declaratory of these rights and privileges, that declares the territory of Indiana shall be admitted into the Union upon the same footing with the original states in all respects whatever. The constitution of the state of Indiana recognizes and adopts the same principles. This constitution has been accepted and approved by the United States, and the state of Indiana recognized as a member of the Federal Union. All of these acts, compacts and ordinances, so far, seem to leave no doubts, as to the right of the state of Indiana to the eminent domain, and the soil of the unappropriated lands within her territory; but the act of cession contains these restrictions, to wit:

That all the lands within the territory so ceded to the United States and not reserved for, or appropriated to any of the before mentioned purposes, or disposed of in bounties to the officers and soldiers of the American army, shall be considered as a common fund for the use and benefit of such of the United States as have become or shall become members of the confederation or federal alliance of the said states, Virginia inclusive, according to their respective proportion in the general charge and expenditure, and shall be faithfully and bona fide disposed of for that purpose, and for no other use or purpose whatsoever. Your committee are of opinion these restrictions are all that can be found, which can in any way effect the right of the state of Indi-

ana to the eminent domain and soil of the unappropriated lands within her boundaries. All of the other restrictions contained in the ordinance of July 13th, 1787, the act of congress of April 19th, 1816, and the ordinance of the convention of June 10th, 1816, can have no binding power except that which is derived from and found to be contained in the restrictions, exceptions and reservations in the act of cession by Virginia of December 20th, 1783, and here, by a careful perusal, examination and comparison of all the parts of this act, the first clauses being carefully compared with the latter, and all construed strictly, not one single acre of land would be left at the United States' disposal. The whole territory is disposed of or reserved for some purpose or other.

But again, to give the latter clauses of this act that liberal construction which it seems the United States have heretofore given them, destroys the first and places the state of Indiana within the power and controul of the United States; strips her of all her rights and privileges; reduces her to a dependent province, a supplicant, a beggar, compelled to submit to receive from the United States her moral and political existence, closed and trammelled as it is, as a matter of favor and not of right, which construction your committee cannot admit. Your committee will now state what they understand to be a correct construction, which is this: That whenever any one of the contemplated divisions of the Northwestern territory should be admitted a member of the Federal Union, it should have and possess all the rights and privileges which were at that time claimed, possessed and enjoyed by any of the old states—among which rights were a full possession of the eminent domain within their respective territories, (which is a necessary consequence of sovereignty and inseparable from it) with

the right of soil to all the unappropriated lands within their boundaries.—The clause that all the lands, &c. shall be disposed of, &c. does not effect these rights of Indiana, they were specially reserved by the act of cession of Dec. 20th, 1783, by Virginia. By that act these rights were only committed to the United States in trust for Indiana, there to remain until the time would arrive when she should be capable and able to act for herself, in her sovereign capacity; that all the lands, &c. gave the United States no greater and further rights to the sovereignty, eminent domain and soil in Indiana than up to a time when it would be expedient for Indiana to assume her rights, as an equal amongst the old states. The United States, by the act of cession, being only constituted a special trustee and protector of the then territory of Indiana, must necessarily draw from the common stock, funds sufficient to defray the current expenditures of supporting and procting a territorial government; hence she might dispose of the right of soil, sovereignty and eminent domain, up to a certain period, at which period of time the United States were bound to resign those rights to the then inhabitants of the territory of Indiana, and this they declare in their ordinance of July 13, 1787. This construction is in accordance with a general rule, which is this: that all the parts of an act, or instrument in writing, must be so construed as to harmonize and give effect to each, if possible. It is likewise in accordance with another great general rule, that part which is itself expressed, shall stand, and that which is doubtful, shall be so construed, as to agree with that which is clearly expressed; and again, the intention of the donor or grantor is to be sought for, and so far as that can be discovered, it is to govern in the construction, and the donor or grantee shall take all that was intended to be given or granted, so far as your com-

mittee can discover the intentions of Virginia, who had the right to control. She did intend, whenever any of the proposed new states were admitted into the Union, they should stand upon a perfect equality, in all respects whatever, with the old states.— This intention we find clearly elucidated by the act of December 30th, 1788. So cautious was Virginia that no other construction should be given, that when asked by the United States liberty to alter the first proposed boundaries of the intended new states, she, in the preamble of the act of December 30th, 1788, and after the ordinance of July 13th, 1787, was conditionally established (and as we have good reason to believe laying before her) declares that act is passed for the express purpose of establishing the proposed new boundaries as specified in the 5th article of the ordinance of the United States, of July 13th, 1787, with the ordinance before her, she refuses all the principles therein contained, but that which establishes permanent boundaries: Thus the conclusion is irresistible, Virginia did not approve of the restrictions contained in that ordinance.— This manner of construction gives effect to the whole statute and reconciles every seeming contradiction.

Your committee would further remark, that as to the 4th article of the ordinance of July 13th, 1787, they are of opinion that the restriction in this article apply only to the Territorial legislatures who were the agents of the United States, by whom they governed the territory of Indiana, the United States had a right to restrict them as they, in their wisdom should deem expedient. As to the clauses, never, &c. no tax, &c.; they are limited terms, in their effective operation to the direction of the territorial governments, and cease to be binding in Indiana when that grade of government ceased to exist, that these clauses in direct contradiction of both the

letter and spirit of the act of cession and couched in such language as one sovereign power is not permitted to address to another, your committee have no doubt.

Your committee would further remark, they understand the 5th article of the ordinance only prescribes the boundaries of the state of Indiana and specifies the time when she shall be put into possession of all her rights, when the United States will resign the trust reposed in them by the state of Virginia. In this article the United States positively declare whenever Indiana shall have 60,000 free inhabitants within her boundaries, she shall be admitted into the union upon an equal footing with the original states, in all respects whatever. The proviso which follows, says, the constitution and government shall be republican and in conformity to the principles contained in these articles: Your committee understand that this article is only declaratory of the trust reposed in the United States by Virginia according to the act of cession, with the addition of the time when the United States would resign to Indiana all her rights, and place her upon an equal footing in all respects whatever with the old states, and fixing positively a time when Indiana should exercise sovereign power. The proviso in this article can mean no more than that the constitution, &c. shall be in conformity to all the principles in said ordinance and not repugnant to any right and privilege exercised and claimed by any of the old states, and guaranteed by the act of cession to the whole territory.—The act of congress, approved April 19th, 1816, authorises the inhabitants of the then territory of Indiana to form a state government, &c. again declares what rights and privileges Indiana, as an independent state, shall be vested with, and possess, and the proviso the same as in the 5th article of the

ordinance, and must receive the same construction as to the ordinance of June 10th, 1816.

Your committee are of opinion, if their construction of the act of cession be correct, the United States have no right to make the proposition, or the convention to accept, as the United States would have no right to the eminent domain and soil of the unappropriated lands within the state of Indiana as soon as the constitution and government which the convention were about to form should go into operation, and for which purpose and that only, the members were elected and convened. The Convention was not vested with any power to barter away any part of the rights of the state of Indiana; but to organize a government and form a Constitution in accordance with the act of cession which should place Indiana upon an equal footing, in all respects whatever, with the old states, which should enable her to enjoy and exercise all the rights of sovereignty enjoyed and exercised by any old state. All other acts of the convention are void as it respects Indiana.

The Constitution of the state of Indiana, by which we are governed, declares her a free and independent state, without any reservation whatever; this Constitution has been approved by the United States, and Indiana is recognized as a member of the Federal Alliance; consequently, entitled to all the protection guaranteed to any other state, and bound by the same laws, the same rules of right, and no other. Admit the doctrine claimed by the United States, that she has a right to the soil and the eminent domain of the unappropriated lands within the state of Indiana, it takes from her two great and important rights, which are and always have been claimed and held by every old state in the Union; it takes from Indiana the power of self preservation, protection and happiness; it destroys that

equality which should exist among equals; and which the Constitution of the United States guarantees to every member in the alliance. With this view of the subject, your committee cannot admit, that a citizen of Indiana can rightfully and justly be deprived of a single right or privilege which a citizen of any old state claims and enjoys. Therefore we conceive the right to the soil and the eminent domain of the unappropriated lands, within the state of Indiana, held and claimed by the United States, is not founded in right, justice or good policy; and we recommend the adoption of the following Joint Resolution, to wit:

Resolved by the general assembly of the state of Indiana, That the eminent domains, and right of soil to the unappropriated lands within her boundaries are inseparable from her sovereignty, and cannot be alienated or justly and legally withheld without the consent of her sovereign power constitutionally expressed; that according to the reservations and conditions of the act of cession by the state of Virginia, of the Northwestern Territory, to the United States, approved December 20, 1783, and of December 30, 1788, the 5th article of the ordinance and the Constitution of the United States, the State of Indiana has a right to the soil and eminent domain of all the unappropriated lands within her prescribed limits.

Resolved, That our Senators in Congress be instructed, and our Representatives requested, to use their best exertions to procure the United States to relinquish to the state of Indiana all the right and title which they have heretofore been supposed to have in their soil and eminent domain of the unappropriated land within her boundaries.

Which were read the first time and passed to a second reading on Monday next.

On motion of Mr. Bassett,

The house took up, and proceeded to consider, the engrossed bill from the Senate, entitled an act for the benefit of the devisees of Thomas Watts, deceased.

Mr. Claypool moved to reconsider the vote, taken on striking out said bill from its enacting clause; which was carried in the affirmative.

Mr. Craig then withdrew his motion to amend said bill by striking it out from its enacting clause.

The said bill was then ordered to a third reading on Monday next.

The following message was received from the senate by Mr. Farnham, their assistant secretary:

Mr. Speaker—The senate insist on their amendment to the amendment proposed by the house of representatives to the engrossed bill of the senate, entitled an act to establish a levee to preserve the road leading from Vincennes through the lower prairie, near to the Wabash river, and have, on their part appointed Messrs. Ewing and Simonson a committee of free conference to take into consideration the disagreeing votes of the two houses relative to the above named bill, and request the appointment of a similar committee on the part of the house of representatives.

On motion of Mr. Judah,

Resolved, That this house insist on their disagreement to the amendment made by the senate to the amendment made by this house to the engrossed bill from the senate, entitled an act to establish a levee to preserve the road leading from Vincennes through the lower prairie, near the Wabash river, and that a committee of conference be appointed on the part of this house to act with a similar committee appointed on the part of the senate to take into consideration the disagreeing votes of the two houses on said bill.

Ordered, That Messrs. Judah and Huntington be that committee on the part of this House.

Ordered, That the Clerk inform the Senate thereof.

Mr. Stevens moved to reconsider the vote of the 22d inst. taken on the passage of the engrossed bill attaching part of the county of Clay to the county of Owen, which was carried in the affirmative.

The question then recurring, Shall said bill pass?

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

MESSRS. Adams, Annable, Bassett, Blair, Boon Claypool, Clendenin, Craig, Graham, Jackson, Johnson of P., Johnston of V. and W., Jones, Judah, Kinnard, Lemon, Levenworth, Long, Marshall, Newell, Pabody, Pollock, Read of D. and M., Slaughter, Smiley, Veatch, Wallace, Watts, Work, Worth and Moore, Speaker—31.

And those who voted in the negative are,

MESSRS. Allen, Beard, Brown, Decoursey, De Pauw, Elliott, Hendricks, Hawk, Huntington, Irwin, Lewis, Little, Lomax, Matlock, M'Clure, M'Kinney, M'Pheeters, Percy, Reid of F., Roberts, Stapp, Steele, Stevens and Wilson—24.

And so said bill passed.

Ordered, That the same be entitled "An act," and that the Clerk carry the same to the Senate and ask their concurrence therein.

On motion of Mr. Boon,

The house took up and proceeded to consider the bill, to revive the act for the relief of persons who were injured by the loss of the records of Knox county, which were consumed by fire, in 1814.

Mr. Boon then moved to agree to the amendment made thereto by the Senate, with the following amendment, by inserting after the enacting clause: "Be and the same is hereby perpetuated, and put in full force, to all intents and purpose whatsoever, as though the time limited therein to take the benefit thereof had not expired, which was carried in the affirmative.

Ordered, That the clerk inform the senate thereof, and ask their concurrence in said amendment.

On motion of Mr. Wilson,

The house took up the engrossed bill from the senate, entitled an act to provide for the government of the Knox county seminary: And

On motion of Mr. Boon,

Said bill and the documents accompanying the same were committed to a committee of the whole house on Monday next.

Mr. Graham, after having obtained leave, presented a bill to amend the act, entitled an act providing for the settlement of decedents estates, and for other purposes, approved January 26th, 1824, which was read the first time and passed to a second reading on Monday next.

Mr. Adams moved to reconsider the vote of this house taken on postponing indefinitely the further consideration of the engrossed bill from the senate, entitled an act to authorise persons to retail spiritous liquors without the requisitions of a tavern keeper, which motion was carried in the affirmative.

The question then recurring, Shall the further consideration of said bill be postponed indefinitely?

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Adams, Allen, Beard, Bassett, Blair, Boon, Brown, Clendenin, Craig, Decoursey, Johnson of P. Lewis, Lomax, McKinney, Pabody, Newell, Percy, Pollock, Reid of F. Roberts, Spann, Stapp, Watts, Wilson, Work, Worth and Moore, Speaker—27.

And those who voted in the negative are,

Messrs. Annable, Claypool, De Pauw, Elliott, Graham, Hendricks, Howk, Huntington, Irwin, Jackson, Johnston of V. and W. Jones, Judah, Kinnard, Lemon, Levenworth, Little, Long, Marshall, Matlock, M'Clure, M'Pheeters, Read of D. and M. Slaughter, Smiley, Steele, Stevens, Veatch and Wallace—29.

And so said motion was decided in the negative.

The said bill was committed to a committee of the whole house on Monday next.

On motion of Mr. Matlock,

The house took up and proceeded to consider the engrossed bill of this house, entitled an act changing the mode of doing county business in certain counties therein named, and the amendments made by the senate thereto.

Mr. Matlock moved that the house agree to the first amendment made by the senate to said bill with an amendment by the addition of the words "and the county of Hendricks," which was carried in the affirmative.

The house also agree to the second and third amendment made by the senate to said bill.

Ordered, That the clerk inform the senate thereof, and ask their concurrence in the amendment made by this house to the amendment of the senate to said bill.

And then the House adjourned until 2 o'clock P. M.

2 o'clock, P. M.

The house met pursuant to adjournment.

And then the house adjourned until Monday morning 9 o'clock.

MONDAY MORNING, DECEMBER 31, 1827.

The house met pursuant to adjournment.

Mr. Long presented a petition of Elijah Miles and others, citizens of Rush county, praying that part of said county may be attached to the county of Hancock; which was read and referred to a select committee, of Messrs. Long, Smiley, Watts and Newell.

Mr. Kinnard presented a petition of John Cain, of Indianapolis, praying compensation for a blank book furnished for the use of the Quartermaster General's Department; which was read and referred to the committee on claims.

Mr. Jones presented a petition of Polly Clark of Wayne county, praying compensation for certain services rendered by her husband in his life time, in opening the road from Richmond to Fort Wayne, and the certificate of sundry citizens of said county on the subject; which were read, and referred to the committee on roads.

The following message was received from the Senate, by Mr. Farnham, their assistant secretary, to wit:

Mr. Speaker—The senate have passed an engrossed bill from the house of representatives, entitled an act for the formation of the county of Carroll, with amendments, marked No. 1, 2, 3, 4, in which the concurrence of the house of representatives is requested.

The senate recede from the third amendment proposed by them to the engrossed bill of the house of representatives, entitled an act to establish a canal to connect the navigable waters of the Wabash river with the navigable waters of the Miami of Lake Erie.

They concur in the amendment of the house of representatives to the first amendment made by the senate to the engrossed bill of the house of repre-

sentatives, entitled an act supplemental to an act entitled an act changing the mode of doing county business in certain counties therein named.

They refuse to concur in the amendment made by the house of representatives to the amendment made in senate to the engrossed bill of the house of representatives entitled an act to revive an act entitled an act for the relief of such persons as have suffered or may hereafter suffer by the destruction of the records of Knox county, which were consumed by fire at Vincennes in the year 1814, passed 7th September, 1814.

The house agree to the second and third amendments made by the senate to the engrossed bill of this house, entitled an act for the formation of the county of Carroll, but disagree the first and fourth amendments made by the senate to said bill.

Ordered, That the clerk inform the senate thereof.

On motion of Mr. Boon,

The house insist on their amendment to the amendment of the senate made to the engrossed bill of this house, entitled an act to revive an act for the relief of such persons as have or will suffer by the loss of the records of Knox county in 1814.

Ordered, That the clerk inform the senate thereof.

Mr. Veatch presented a petition of John C. Brown of Spencer county, praying to be divorced from his wife Polly, with accompanying documents, which were read and referred to a select committee of Messrs. Veatch, McClure and Johnston of V. & W.

Mr. Claypool, from the committee on the affairs of the state prison, made the following report, to wit:

The committee on the affairs of the state prison to whom was referred so much of the Governor's message as related to the state prison, as also the report of the visitors appointed by the Governor to examine into the situation of the prison, together with the temporary contract made by the Governor

of the one part, and Ira Westover, of the other, as superintendant of the prison, and a resolution of this house, instructing the committee to enquire into the expediency of amending the law on that subject so as to authorise the use of the prison and convicts therein, to be let to the highest and best bidder, for a term not less than five years, have had those several subjects under their consideration, and report,

That they have examined the report of the visitors, above alluded to, and are of opinion that the report exhibits satisfactory evidence of the prison having been in good order at the time of the examination, and presents as favorable an account of said institution, as under existing circumstances the public are authorised to expect. The committee learn from the documents submitted to them, that the Governor did, in August last, authorise the secretary of state to make a temporary contract with Ira Westover, for the superintendency of the state prison until the 20th May, 1828, and in pursuance of his authority the secretary entered into a temporary contract with the said Ira Westover for the keeping of the convicts until the expiration of the said 20th of May—the said Westover receiving for his superintendency, feeding, clothing, &c. of the convicts, the proceeds of their labor.

The committee further learn that shortly after the secretary of state left the seat of government to make the contract aforesaid, proposals were made to the Governor, by Mr. James Keigwin, of Jeffersonville, proposing, for the proceeds of the labor of the convicts, in addition to the feeding, clothing, and their safe keeping, to give to the state, in additional buildings, and money, upwards of five hundred dollars per annum.

This proposition of Mr. Keigwin contemplated a contract for three years, the committee regret that this proposal was made, as they are informed, by

the Governor, it was at too late a period for the Governor to avail himself of the benefit of the proposition: they, however, learn from the Governor, that he had come to the conclusion at an early period in the last summer, not to make a permanent contract for three years for the superintendency of the prison, under the expectation that the present general assembly would so alter the criminal law, as not to sentence, in future, any convict to confinement in the state prison, for a less time than two or three years.

The committee flatter themselves that this alteration will be made, which, if effected, will, in the opinion of the committee, enable the Governor to make a contract much more advantageous to the state than has yet been made, such a one as will not only defray all the expenses incident to the institution, but yield a small surplus in favor of the state.

The committee would remark, in relation to the resolution of this house above alluded to, that it would be inexpedient at this time to extend the time of farming out the state prison beyond three years, and therefore recommend the adoption of the following resolution:

Resolved, That it is inexpedient, at this time to legislate on that subject.

The above report was read and concurred in by the house.

Mr. De Pauw from the committee on the affairs of the town of Indianapolis to whom were referred two several resolutions of this house of the 17th inst. directing an enquiry into the expediency of enclosing the Governor's Circle, and setting apart some suitable unsold lot whereon may be erected stables, &c. for the use of the executive, reported a bill on that subject, which was read the first time and passed to a second reading to-morrow.

Mr. Pabody from the select committee to whom was referred the petition of James S. Smyth and others, praying that that part of the town of Paris, which lies in the county of Jefferson, may be attached to the county of Jennings, reported a bill in pursuance of the prayer of the petitioners, which was read the first time and passed to a second reading to-morrow.

Mr. Huntington from the joint committee of free conference appointed to take into consideration the disagreeing votes of the two houses, on the bill to establish a levee to preserve the road leading from Vincennes through the lower prairie, near the Wabash, made the following report, to wit:

The joint committee of free conference to whom was referred the disagreeing votes of the two houses on the subject of an amendment made by the house of representatives, to an engrossed bill of the senate, entitled an act to establish a levee to preserve the road leading from Vincennes through the lower prairie, near to the Wabash river, have had the subject under consideration, and have instructed me to report,

That that part of the above named bill, in which the two houses have differed, shall read as follows: "in some public newspaper, if any such there be, published in the town of Vincennes, and also by manuscript advertisement set up in three of the most public places in the township."

The above report was read and agreed to by the house.

Ordered, That the clerk inform the senate thereof.

On motion of Mr. Decoursey,

Resolved, That a select committee be appointed to enquire into the expediency of this state, giving a reward to any person who may discover the cause of a certain complaint or disease known by the name of the Milk Sickness by some, and by others.

the vomiting, which is now well known to be a deadly poison to animal life.

Ordered, That Messrs. Decoursey, Slaughter and Pabody be that committee.

Mr. Craig presented the following resolution, to wit:

Resolved, That the committee on education be instructed to report a bill to this house authorizing his excellency the Governor, to appoint one or more commissioners to take into consideration, and report to the next General Assembly of this state, the most economical, practicable and efficient plan of carrying into effect the first, second and third sections of the ninth article of the constitution of this state, and particularly that part which relates to common schools.

The said resolution was read; when

Mr. Huntington moved to lay the same on the table; which was decided in the negative.

And the question being then put, shall said resolution be adopted by the house? The same was decided in the negative.

On motion of Mr. Long,

Resolved, That the select committee to whom was referred the petition of sundry citizens of Rush county, praying to be attached to Hancock county, be instructed to report to this house the number of square miles in the county of Rush.

Mr. Read of D. and M., after having obtained leave, presented a joint resolution authorizing the agent of the three per cent. fund to pay over to the board of justices of Knox county, a certain sum of money; which was read the first time, and passed to a second reading to-morrow.

Mr. Boon moved to reconsider the vote of Saturday last taken on the passage of the engrossed bill attaching a part of the county of Clay to the county of Owen; which was carried in the affirmative; and

On motion of Mr. Pearcy,

Said bill was re-committed to a committee of the whole house, and made the order of the day for Wednesday next.

Mr. Slaughter, after having obtained leave, presented a bill to incorporate the town of Corydon in the county of Harrison; which was read the first time, and passed to a second reading to-morrow.

The Speaker laid before the house the following message from the Governor, to wit:

EXECUTIVE DEPARTMENT, }
INDIANAPOLIS, DEC. 31, 1827. }

Hon. H. H. Moore,

SIR—Permit me to remind the house of representatives, through you, that the office of the agent of state for the town of Indianapolis, will be vacant on the 24th of January next. If your body should adjourn before that time, it will be for the executive to make an appointment until the next meeting of the General Assembly, unless by a law or joint resolution you should determine at an earlier day to elect that officer than the expiration of his term.

Respectfully, your obed't serv't,

J. BROWN RAY.

The above message was read and referred to the committee on the affairs of the town of Indianapolis.

The house took up and proceeded to consider the orders of the day.

The bill to incorporate the Indianapolis and Whitewater Turnpike Company, was read the second time, and ordered to be engrossed and read a third time to-morrow.

The bill to amend the act entitled an act providing for the settlement of decedents' estates, and for other purposes, approved January 26th, 1824, was read the second time.

[The above bill repeals that part of the 39th section of said law which allows to widows \$100 worth

of property for which she is not to account.] When Mr. Stapp moved to postpone the further consideration thereof indefinitely.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Adams, Allen, Annable, Beard, Bassett, Blair, Boon, Brown, Claypool, Clendenin, Craig, Decoursey, De Pauw, Elliott, Hendricks, Howk, Huntington, Irwin, Jackson, Johnson of P., Johnston of V. and W., Jones, Judah, Kinnard, Lemon, Levenworth, Lewis, Long, Marshall, Matlock, M'Pheeters, Newell, Pabody, Percy, Pollock, Read of D. and M., Roberts, Smiley, Spanu, Stapp, Steele, Stevens, Veatch, Wallace, Watts, Work and Worth—47.

And those who voted in the negative are,

Messrs. Graham, Lomax, M'Clure, M'Kinney, Reid of F., Slaughter, Wilson and Moore, Speaker—8.

And so said motion was carried in the affirmative.

The preamble and joint resolution on the subject of the sovereignty of the public domain within the state of Indiana, was read the second time; and,

On motion of Mr. Pabody,

The same were ordered to lie on the table.

And then the house adjourned until two o'clock P. M.

2 o'clock P. M.

The House met pursuant to adjournment.

The bill authorizing the board of justices of Wayne county to sell a part of the public square in the town of Centreville, was read the second time, and ordered to be engrossed and read a third time to-morrow.

The bill for locating and opening a state road

from the Ohio river opposite the Yellow Banks. in Kentucky, to Princeton, was read the second time, and committed to a committee of the whole house to-morrow.

The engrossed bill to amend the act for the formation of congressional districts, and for the election of Senators and Representatives to Congress, approved January 30th, 1824, was read the third time; and the question being put, shall said bill pass?

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Adams, Claypool, Clendenin, Elliott, Howk, Irwin, Johnson of P. Jones, Kinnard, Levenworth, Lomax, Marshall, McKinney, Pabody, Percy, Read of D. and M., Slaughter, Smiley, Spann, Steele, Veatch, Wallace, Watts, Work and Worth—25.

And those who voted in the negative are,

Messrs. Allen, Annable, Beard, Bassett, Blair, Boon, Brown, Craig, Decoursey, De Pauw, Graham, Hendricks, Huntington, Jackson, Johnston of V. and W. Judah, Lemon, Lewis, Long, Matlock, McClure, Newell, Pollock, Reid of F., Roberts, Stapp, Stevens, Wilson and Moore, Speaker—29.

And so said bill was lost.

The engrossed joint resolution relative to the extinguishment of the Indian title to lands within the state of Indiana, was read the third time; and,

On motion of Mr. Howk,

The same was ordered to lie on the table.

The engrossed bill from the Senate entitled an act for the benefit of the devisees of Thomas Watts, deceased, was read the third time and passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Worth from the joint committee for enrolled bills, reported,

That they have compared the enrolled with the engrossed bills entitled as follows, to wit.

An act attaching a portion of vacant territory lying adjoining to the county of Floyd to said county; and an act to amend an act entitled an act respecting apprentices—and find the same truly enrolled.

Whereupon,

The Speaker signed said bills.

Ordered, That the Clerk carry the same to the Senate for the signature of their President.

The house resolved itself into a committee of the whole on the bill to establish a college in the state of Indiana; and after some time spent therein, the Speaker resumed the chair, and Mr. Matlock reported the same with one amendment; which was again read at the Clerk's table, and concurred in by the house.

Ordered, That said bill be engrossed, and read a third time to-morrow.

The house resolved itself into a committee of the whole on the bill to amend the act entitled an act to regulate the militia of the state of Indiana, approved January 20th, 1824, and the engrossed bill from the Senate of the same title; and after some time spent therein, the Speaker resumed the chair, and Mr. McClure reported the first named bill with one amendment; which was by striking it out from its enacting clause, and the last named bill with several amendments. The house concurred in the amendment made to the first named bill; and also, in the 1st, 2d, 3d, 5th, 6th, 7th and 8th amendments to the last named bill.

And the question being put, will the house concur in the 4th amendment made to said bill in committee of the whole? which reads in the words following, to wit:

“That so much of the 19th section of the act to which this is an amendment as requires a battalion

muster in each and every year, be, and the same is hereby repealed."

And the ayes and noes being required by two members, on the question to concur in said amendment, the same are as follows, to wit:

Those who voted in the affirmative are,

MESSRS. Allen, Bassett, Blair, Boon, Brown, Decoursey, Elliott, Graham, Hendricks, Huntington, Jackson, Johnson of P., Jones, Levenworth, Lewis, Little, Lomax, Matlock, Newell, Pabody, Pollock, Smiley, Spann, Stapp, Steele, Stevens, Veatch, Watts and Worth—29.

And those who voted in the negative are,

MESSRS. Adams, Annable, Claypool, Clendenin, Craig, De Pauw, Howk, Irwin, Johnston of V. and W., Kinnard, Lemon, Long, Marshall, M'Clure, M'Kinney, Percy, Read of D. and M., Reid of F., Roberts, Wallace, Wilson and Moore, Speaker—22.

And so said amendment was concurred in by the house.

Mr. Howk moved further to amend said bill by the addition of the words following at the end of the last section, to wit:

"That an act to amend an act entitled an act to regulate the militia of the state of Indiana, approved January 27th, 1827 be, and the same is hereby repealed."

Mr. Beard moved to amend the proposed amendment by inserting after "1827," the words "so far as the same comes within the provisions of this act;" which was decided in the negative.

Mr. Brown moved further to amend the proposed amendment so as to except the last section of the act to which the repealing clause refers.

The following message was received from the Senate, by Mr. Farnham, their assistant secretary:

Mr. Speaker—The senate concur in the report of the joint committee of free conference on the disagreeing votes of the two houses, relative to the amendment made by the House of Representatives to the engrossed bill from the Senate entitled an act to establish a levee to preserve the road leading from Vincennes through the Lower Prairie, near the Wabash river. They have passed the following bills of the House of Representatives entitled acts, to wit:

An act relative to the Knox county poor house.

An act respecting the state and county revenue due from the county of Clay for the year 1826.

An act to amend an act entitled an act for the benefit of persons who have, or are likely to suffer by the destruction of the records of Dearborn county, which were consumed by fire in the court house at Lawrenceburgh on the morning of the 6th March, 1826, approved Jan'y 11, 1827, without amendment.

And then the house adjourned until to-morrow morning nine o'clock.

TUESDAY MORNING, JANUARY 1, 1828.

The house met pursuant to adjournment.

Mr. Bassett presented a petition of John Kelsoe and others, citizens of Dearborn county, praying the location of a state road from Lawrenceburgh on the route formerly located to Brookville; which was read, and referred to a select committee of Messrs. Bassett, Elliott, Spann, Jackson, M'Kinney, Reid of F., Pollock and Decoursey.

Mr. Kinnard presented a petition of Noah Leverton of Marion county, praying compensation for cer-

tain work done in shelving the office of the secretary of state; which was read and referred to the committee on claims.

Mr. Long presented a petition of William Young and others, praying the vacation of a part of the state road leading from Indianapolis to Winchester, in Randolph county; and that a state road may be located from the 51st mile post on said road, thence to Andersontown, and thence to Noblesville; and also that a state road may be located from Newcastle in Henry county, to Andersontown; which were read and referred to the committee on roads.

Mr. Adams presented a petition of Sally Rose of Owen county, praying to be divorced from her husband, Edward W. Rose, for certain causes alledged in the petition; which was read and referred to a select committee, of Messrs. Adams, Annable and Beard.

And then the house adjourned until to-morrow morning nine o'clock.

WEDNESDAY MORNING, JANUARY 2, 1828.

The House met pursuant to adjournment.

Mr. Graham presented a petition of William Clark and others of the town of New Albany, praying for an extension of the powers of the corporation of said town, which was read and referred to a select committee of Messrs. Graham, Little and Howk.

Mr. Graham also presented a petition of Patrick Shields and others of Floyd county, together with sundry other documents accompanying the same, praying for the passage of a law authorising the incorporation of a company for the purpose of build-

ing a bridge across the Ohio river at the foot of the Falls of said river, which were read, and

On motion of Mr. Graham,

Laid on the table.

Mr. Matlock presented a petition of Jeremiah Stiles and others of Morgan county, praying for an amendment to the law allowing a premium for wolf scalps, which was read and referred to the judiciary committee.

Mr. Pabody presented a petition of William Hawkins and others of Shelby county, together with the petition of James Stott and others of Jennings county, praying for the location and establishment of a state road from Shelbyville to intersect the state road from Madison to Indianapolis, in section No. 18, in township No. 7, range No. 8, in Jennings county, which was read: Whereupon,

Mr. Irwin moved to lay the same on the table, which motion was decided in the negative.

The said petitions were then referred to a select committee of Messrs. Pabody, Elliott, Spann and Simley.

Mr. Long presented a petition of William Simmons and others of Hancock county, praying for the granting of an extended lease to Othniel H. Sweem, of the southwest quarter of the school section in range No. 7 east, in said county, for the purpose of erecting a saw and grist mill on Brandywine creek, on said quarter section, which was read and referred to a select committee of Messrs. Long, Baird and Blair.

Mr. De Pauw from the standing committee on the affairs of the town of Indianapolis, made the following report:

The committee on the affairs of Indianapolis to whom was committed a resolution of this house, directing an enquiry into the expediency of reporting a bill setting apart a portion of the proceeds of the

sales of lots in said town for the use of a county library for Marion county, report,

That they have had the object of that resolution under their consideration, and from an examination of the act of congress, the constitution and laws of this state in relation to that subject, your committee have come to the conclusion that the amount paid by the state for building the court house for the use of the county of Marion, and the sum which will ultimately accrue to the county as a library fund under the existing statutes, are, from a reasonable calculation double the amount that Marion county would have derived from an ordinary sale of a mere county seat independent of the location of the seat of government, and that the provision, by law, giving two per cent out of the proceeds of certain sales of lots to the use of the Marion county library, is sufficiently liberal on the part of the state, and cannot be, by the citizens of said county, justly complained of: Therefore,

Your committee would ask to be discharged from any further consideration of that subject.

Which was read and concurred in by the house.

Mr. Claypool from the select committee to whom was referred the petition of Adam Banks and others, reported a bill attaching part of the county of Wayne to the county of Fayette, which was read the first time: Whereupon,

Mr. Lomax moved to reject said bill,

Which motion was carried in the affirmative.

Mr. Stevens presented the following preamble and resolution, to wit:

Whereas it is a fact of public notoriety that the people of the state of Indiana now are and always have been opposed to the payment of the tax commonly called a poll tax. And, whereas, it is the duty of the representatives of these people, in general assembly met, to annually reduce said tax as

much as the financial concerns of the state will admit of, until it is entirely repealed: Therefore,

Be it resolved, That the committee of ways and means be and they are hereby instructed to report a bill to this house reducing said tax at least thirty-three and one third per cent. if the financial concerns of the treasury department can possibly admit of reduction.

Mr. Elliott moved to lay said preamble and resolution on the table; which motion was decided in the negative.

Mr. Craig moved to amend the same by striking out the preamble; which motion was carried in the affirmative.

The question then recurring on the adoption of the said resolution,

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Adams, Beard, Hendricks, Irwin, Judah, Long, Percy, Read of D. and M. Roberts, Steele, Stevens, Veatch, Watts and Wilson—14.

And those who voted in the negative are,

Messrs. Allen, Annable, Bassett, Blair, Boon, Brown, Claypool, Clendenin, Craig, Decoursey, De Pauw, Elliott, Graham, Hawk, Huntington, Jackson, Johnson of P. Johnston of V. and W. Jones, Kinnard, Lemon, Levenworth, Lewis, Little, Lomax, Marshall, Matlock, McClure, McKinney, M'Pheeters, Newell, Pabody, Pollock, Reid of F. Slaughter, Spann, Stapp, Wallace, Work, Worth and Moore, Speaker—41.

And so said resolution was not adopted by the house.

On motion of Mr. Stapp,

Resolved, That the committee on education be instructed to enquire and report to this house, the amount of interest received from the state seminary

fund, and by whom such interest is paid, and the amount of rents received from the seminary townships in Monroe and Gibson counties; and to enquire into and report to this house the number of teachers employed in the state seminary of Indiana, and the amount of their salaries respectively, which has been paid out of the seminary fund, and the amount of money otherwise expended in supporting said institution and the number of students entered therein at the various sessions since the establishment of said institution.

Mr. Craig, after having obtained leave, presented a bill to extend an act entitled act to provide for recording brands, ear marks and posting estrays, in the counties therein named, and for other purposes, approved January 24, 1827, which was read the first time and passed to a second reading to-morrow.

Mr. Huntington, after having obtained leave, presented a bill authorising the inhabitants of congressional township No. 11, range 9, to incorporate themselves under the provisions of the act of 1824, which was read the first time and passed to a second reading to-morrow.

Mr. Worth, after having obtained leave, presented a bill to provide for the repayment of certain monies to the county of Delaware; which was read the first time, and passed to a second reading to-morrow.

On motion of Mr. Stapp,

The house took up and proceeded to consider the bill locating a road from Lake Michigan, by way of Indianapolis, to the Ohio river; and,

On motion of Mr. Howk,

Said bill was recommitted to a committee of the whole house, and made the order of the day for to-morrow.

The following message was received from the Senate, by Mr. Farnham, their assistant secretary, announcing that the senate recede from the first and

fourth amendments made by them to the engrossed bill from the house of representatives entitled an act for the formation of the county of Carroll, which amendments were disagreed to by the house of representatives.

They have appointed Messrs. Colman and Ewing a joint committee of free conference, to take into consideration the disagreeing votes of the two houses, relative to an amendment proposed by the house of representatives to an amendment of the senate to an engrossed bill of the house of representatives, entitled an act to revive an act entitled an act for the relief of such persons as have suffered, or may hereafter suffer by the destruction of the records of the county of Knox, which were consumed by fire at Vincennes in the year 1814, passed 7th September, 1814, and request that a similar committee may be appointed on the part of the house of representatives. They have passed a bill entitled an act to provide for surveying and marking a road from Lake Michigan to Indianapolis, in which the concurrence of the house of representatives is requested.

On motion of Mr. Boon,

Resolved, That this house insist on their amendment made to the amendment of the senate, to the bill of this house entitled an act, &c. for the relief of the sufferers by the loss of the records of Knox county, in 1814, and that a committee of free conference be appointed on the part of this house, to act with a similar committee appointed on the part of the Senate, to take into consideration the disagreeing votes of the two houses on said bill.

Ordered, That Messrs. Boon and Judah be the committee on the part of this house.

Ordered, That the clerk inform the senate thereof. The said bill from the senate was read the first time, and passed to a second reading to-morrow.

The house took up and proceeded to consider the orders of the day.

The bill making provisions for enclosing the Governor's Circle, and for other purposes, was read the second time, and committed to a committee of the whole house to-morrow.

The bill attaching so much of the town of Paris which lies in the county of Jefferson to the county of Jennings, was read the second time; and,

On motion of Mr. Stapp,

The further consideration thereof was indefinitely postponed.

The joint resolution authorizing the agent of the three per cent. fund to pay over to the board of justices of Knox county, a certain sum of money, was read the second time, and committed to a committee of the whole house, and made the order of the day for Saturday next.

The bill to incorporate the town of Corydon in the county of Harrison, was read the second time, and ordered to be engrossed and read a third time to-morrow.

The following message was received from the senate, by Mr. Farnham, their assistant secretary, announcing, that the senate have passed an engrossed bill of the house of representatives, entitled,

An act authorizing the leasing of Royse's Lick and Rock Lick reserves in the county of Washington, without amendment; also, an original bill entitled,

An act to amend an act entitled an act to establish a state library, approved February 11, 1825.

An act for the relief of John Spencer, collector of Dearborn county; and,

A joint resolution relative to the procuring of a complete set of the journals of congress, and other public documents; in which acts and joint resolution

the concurrence of the house of representatives is requested.

The said engrossed bills from the senate entitled acts, and the engrossed joint resolution, were severally read the first time, and passed to a second reading to-morrow.

The engrossed bill to incorporate the Indianapolis and Whitewater Turnpike Company, was read the third time and passed.

Ordered, That the same be entitled "An act," and that the Clerk carry the same to the Senate and ask their concurrence therein.

And then the House adjourned until 2 o'clock P. M.

2 o'clock, P. M.

The house met pursuant to adjournment.

The bill to establish a college in the state of Indiana, was taken up; and,

On motion of Mr. Stapp,

The same was ordered to lie on the table.

The house resumed the consideration of the engrossed bill from the senate entitled an act to amend the act entitled an act to regulate the militia of the state of Indiana, approved January 20th, 1824, and the several amendments proposed thereto.

Mr. Lemon moved to re-commit said bill and the proposed amendments thereto, to the committee on military affairs; which motion was decided in the negative.

Mr. Brown withdrew his proposed amendment to the amendment proposed by Mr. Howk.

The question then recurring on the proposition of Mr. Howk, to amend said bill, which was by adding the words following at the end of the last section thereof, to wit: "That an act entitled an act to a-

mend an act entitled an act to regulate the militia of the state of Indiana, approved January 27th, 1827, be, and the same is hereby repealed." And the same was decided in the negative.

Mr. Claypool moved further to amend said bill by striking out the 8th section thereof, which reads in the words following: "The treasurer of state is hereby authorized to allow out of said conscientious fines or equivalents, to the paymasters of regiments, five cents per mile for going and returning to pay the same into the treasury: Provided, that the compensation paid to any paymaster, shall in no case exceed the amount paid into the state treasury."

And the ayes and noes being required on said motion, by two members, the same are as follows, viz:

Those who voted in the affirmative are,

Messrs. Blair, Claypool, Graham, Hawk, Huntington, Judah, Kinnard, Lemon, Levenworth, Marshall, Matlock, Reid of F., Spann, Veatch, Wilson, Work, and Moore, Speaker—17.

And those who voted in the negative are,

MESSRS. Adams, Allen, Annable, Beard, Bassett, Boon, Brown, Craig, Clendenin, Decoursey, De Pauw, Elliott, Hendricks, Irwin, Jackson, Johnson of P., Johnston of V. and W., Jones, Lewis, Little, Lomax, Long, M'Clure, M'Kinney, M'Pheeters, Newell, Pabody, Percy, Pollock, Read of D. and M., Roberts, Slaughter, Stapp, Steele, Stevens, Wallace, Watts and Worth—38.

And so said motion was decided in the negative.

Mr. Percy moved further to amend said bill by adding the following as another section to the same, to wit: "That the militia residing in the county of Clay, be, and they shall hereafter constitute an independent battalion, and shall so remain until they may be formed into a regiment under the pro-

visions of the act to which this is an amendment: And it shall be the duty of the brigadier-general commanding the brigade in which said militia reside, to order an election to be holden at the county seat of Clay county, at such time as he may direct; for the election of a major to command said battalion, who shall be elected in the same manner that majors of regiments are elected; and it shall be the duty of the major so elected, and the brigadier general, to organize the militia of said county into companies, and the major thereof shall order elections in said companies, which shall be conducted in every respect as is provided by the law to which this is an amendment: And said battalion shall muster as a regiment under the provisions of the act to which this is an amendment."

Which motion was carried in the affirmative.

Mr. Lemon then moved to lay said bill on the table; which motion was decided in the negative.

Mr. Stapp moved further to amend said bill so as to exempt commissioned officers and first sergeants from attending regimental drill musters; which motion was decided in the negative.

Mr. Annable moved further to amend said bill in the second section, by striking out the words "*the first*;" which motion was carried in the affirmative.

Mr. Long moved further to amend said bill so as to compel regimental staff officers to attend regimental drill musters; which motion was carried in the affirmative.

Mr. Stapp moved further to amend said bill by striking out the second section thereof, which reads in the words following: "That all non-commissioned officers except sergeants, shall hereafter be exempt from attending the regimental drill musters;" which motion was decided in the negative.

Mr. Lemon moved further to amend said bill by striking out the 5th section thereof, which reads in

the words following, to wit: "The musicians of companies shall not hereafter be required to attend drill musters, and shall not in any case be entitled to any pay for the services;" which motion was decided in the negative.

Mr. Stevens moved further to amend said bill by striking out of the same every thing which relates to the number of musters of any kind, and inserting the following: "That from and after the passage of this act there shall be the following militia musters annually, and no more, to wit: Each and every company shall respectively hold one company muster on the second Saturday in September annually, for the purpose of drill and military exercise, at which muster the officer commanding shall make out a complete return of his company, their arms and accoutrements, according to law; and each and every regiment shall respectively hold one regimental muster annually, for the purpose of drill, military exercise, review and inspection, at which time the commandants of companies shall make return of their respective companies, (so as aforesaid made at their respective company musters) to the commandant of the regiment."

Sec. . The above musters, and every thing in relation thereto, shall be governed by the militia laws to which this is an amendment, except where otherwise provided for by this act."

Mr. Huntington moved to amend the proposed amendment of Mr. Stevens, by striking out so much thereof as relates to regimental musters; which motion was decided in the negative.

Mr. Wilson moved to amend the proposed amendment of Mr. Stevens, by adding at the end thereof the words following:

"*Provided however, That nothing herein contained shall be so construed as to do away battalion musters,*" which motion was decided in the negative.

The question recurring on the motion of Mr. Stevens to amend said bill, the same was decided in the negative.

Mr. Stevens then moved to postpone the further consideration of said bill indefinitely.

And the ayes and noes being required on said motion by two members, the same are as follows, viz:

Those who voted in the affirmative are,

Messrs. Adams, Clendenin, De Pauw, Howk, Huntington, Johnson of P. Kinnard, Lemon, Marshall, Pabody, Percy, Read of D. and M., Reid of F., Roberts, Stevens, Veatch, Wallace, Wilson Work and Moore, Speaker—20.

And those who voted in the negative are,

Messrs. Allen, Annable, Beard, Blair, Boon, Brown, Claypool, Craig, Decoursey, Elliott, Graham, Hendricks, Irwin, Jackson, Johnston of V. and W. Jones, Judah, Levenworth, Lewis, Little, Long, Lomax, Matlock, M'Clure, M'Kinney, M'Pheeters, Newell, Pollock, Slaughter, Spann, Stapp, Steele, Watts and Worth—34.

And so said motion was decided in the negative.

On motion of Mr. Lemon,

Said bill was re-committed to the committee on military affairs.

The house resolved itself into a committee of the whole on the bill to carry into effect the 8th article of the constitution of Indiana; and after some time spent therein, the speaker resumed the chair, and Mr. M'Kinney reported the same with several amendment; which were read again at the clerk's table, and concurred in by the house.

Ordered, That said bill be engrossed, and read a third time to-morrow.

And then the house adjourned until to-morrow morning nine o'clock.

THURSDAY MORNING, JANUARY 3, 1828.

The House met pursuant to adjournment.

Mr. Marshall presented a petition of George Waggoner and others, praying the location and establishment of a state road from Sparks' ferry, on the east fork of White river to Indianapolis; which was read and laid on the table.

Mr. Matlock presented a petition of Samuel M^cCormick and others, praying the location of a state road from Indianapolis to Lafayette, by the way of Eagle creek; which was read, and referred to the same committee of the whole house to whom was committed a bill on the same subject.

Mr. Beard presented a petition of Charles M. Page and others, citizens of Tippecanoe county, praying the establishment of a state road from Newcastle in Henry county, to Lafayette, by the way of Noblesville; which was read and referred to the same committee of the whole house to whom was committed the petition of Samuel M^cCormick and others.

Mr. Wallace, from the committee on roads, to whom was referred the petition of Polly Clark, of Wayne county, made the following report thereon:

The committee on roads, to whom was referred the petition of Polly Clark, of Wayne county, praying for compensation for certain services rendered by her husband, James Clark, in opening a road to Fort Wayne, have had the same under consideration, and have directed me to report, that they deem it inexpedient to legislate on that subject; they therefore ask to be discharged from the farther consideration of said petition.

Which report was read and concurred in by the house.

Mr. Graham from the select committee to whom

was referred the petition of William Clark and others, of New-Albany, reported a bill supplementary to the act entitled an act providing for the incorporation of towns, approved January 30th, 1824. in aid of the trustees and corporation of the town of New Albany; which was read the first time, and passed to a second reading to-morrow.

Mr. Levenworth from the select committee to whom was referred a resolution of this house directing an enquiry into the expediency of giving a premium to encourage the manufacture of salt, reported a bill on that subject; which was read the first time, and passed to a second reading to-morrow.

Mr. Adams from the select committee to whom was referred the petition of Sally Rose, praying to be divorced from her husband, Edward W. Rose, reported a bill in pursuance of the prayer of the petitioner; which was read the first time; when,

Mr. Pabody moved to reject the same; which motion was decided in the negative.

Said bill was then ordered to a second reading to-morrow.

On motion of Mr. Craig,

Resolved, That the public printer be directed to deposit in the office of the secretary of state, the original manuscript copies of the journals of this house so soon as he shall have printed the same; and that the printer be furnished with a copy of this resolution.

Mr. Worth from the joint committee for enrolled bills, made the following report, to wit:

The joint committee for enrolled bills, have compared the enrolled with the engrossed bills entitled as follows, to wit:

An act to establish a canal to connect the navigable waters of the Wabash river, with the navigable waters of the Miami of Lake Erie.

An act supplemental to an act entitled "an act

changing the mode of doing county business in certain counties therein named, approved January 26, 1827."

An act respecting the state and county revenue due from the county of Clay for the year 1826.

An act to establish a levee to preserve the road leading from Vincennes through the lower Prairie, near to the Wabash river; and,

An act relative to the Knox county poor house.

And find the acts aforesaid truly enrolled.

When the speaker signed the said bills.

Ordered, That the Clerk carry the same to the Senate for the signature of their President.

On motion of Mr. Smiley,

Resolved, That a committee be appointed to examine the map of Shelby county in the land office, and ascertain the precise number of square miles in said county, and report the same to this house.

Ordered, That Messrs. Smiley, Hendricks and Graham be that committee.

Mr. Kinnard moved to take up the engrossed joint resolution relative to the extinguishing the Indian title to lands within the state of Indiana; which motion was decided in the negative.

Mr. Stevens moved to re-consider the vote of yesterday, re-committing to the military committee, the engrossed bill from the senate, entitled an act to amend an act entitled an act to regulate the militia of the state of Indiana, approved January 20th, 1824; which motion was decided in the negative.

Mr. Levenworth moved to re-consider the vote on yesterday, re-committing the bill to locate a road from Lake Michigan, by the way of Indianapolis, to the Ohio river, to a committee of the whole house; which motion was carried in the affirmative.

And the question recurring on the motion to re-commit said bill to a committee of the whole house, the same was decided in the negative.

The question then recurring on the motion of Mr. Graham to amend said bill in the second section and tenth line, by inserting the words following: "thence to Mank's port on the Ohio river, in the county of Harrison."

And the ayes and noes being required on said motion by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Annable, Bassett, Blair, Clendenin, Craig, Decoursey, De Pauw, Graham, Hendricks, Hawk, Johnson of P., Johnston of V. and W., Lemon, Levenworth, Little, Marshall, M'Pheeters, Pollock, Reid of D. and M., Roberts, Slaughter, Veatch, Wallace, Wilson, Work and Moore, Sp'r—26.

And those who voted in the negative are,

Messrs. Adams, Allen, Beard, Boon, Brown, Claypool, Elliott, Huntington, Irwin, Jackson, Jones, Judah, Kinnard, Lewis, Lomax, Long, Matlock, McClure, M'Kinney, Newell, Pabody, Percy, Reid of F. Smiley, Spann, Stapp, Steele, Stevens, Watts and Worth—30.

And so said motion was decided in the negative.

Mr. Annable moved further to amend said bill in the second section and tenth line, by inserting the words following: "to Indianapolis, thence to Mount Vernon on the Ohio river, in the county of Posey."

And the ayes and noes being required on said motion, by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Adams, Annable, Bassett, Graig, De Pauw, Johnson of P., Johnston of V. and W., Judah, Levenworth, Marshall, McClure, Pollock, Reid of D. and M., Slaughter, Veatch, Wilson, Wallace and Moore, Speaker—18.

And those who voted in the negative are,

Messrs. Allen, Beard, Blair, Boon, Brown, Claypool, Clendenin, Decoursey, Elliott, Graham, Hendricks, Howk, Huntington, Irwin, Jackson, Jones, Kinnard, Lemon, Lewis, Little, Lomax, Long, Matlock, M'Kinney, M'Pheeters, Newell, Pabody, Percy, Reid of F., Roberts, Smiley, Spann, Stapp, Steele, Stevens, Watts, Work and Worth—38:

And so said motion was decided in the negative.

Mr. Matlock moved further to amend said bill in the 2d section and 10th line, by inserting the words following: "to Indianapolis, thence to Martinsville, thence to Bloomington, and thence to the mouth of Big Blue river, on the Ohio river."

Mr. Annable moved to amend said amendment by striking out the words "Martinsville, thence to Bloomington, and thence."

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Annable, Boon, Claypool, Decoursey, De Pauw, Huntington, Irwin, Jackson, Johnson of P., Johnston of V. and W., Levenworth, Pabody, Read of D. and M., Slaughter, Smiley, Spann, Stapp, Stevens, Veatch, Watts, Worth and Moore, Sp'r—22.

And those who vote in the negative are.

Messrs. Adams, Allen, Beard, Bassett, Blair, Brown, Clendenin, Craig, Elliott, Graham, Hendricks, Howk, Jones, Judah, Kinnard, Lemon, Lewis, Little, Lomax, Long, Marshall, Matlock, M'Clure, M'Kinney, M'Pheeters, Newell, Percy, Pollock, Reid of F., Roberts, Steele, Wallace, Wilson and Work—34.

And so said motion was decided in the negative.

The question recurring on the motion of Mr. Matlock, to amend said bill in the second section and

tenth line, by inserting the words "to Indianapolis, thence to Martinsville, thence to Bloomington, and thence to the mouth of Big Blue river, on the Ohio river."

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Adams, Annable, Bassett, Blair, Clendenin, Craig, Decoursey, Hendricks, Johnson of P., Johnston of V. and W., Judah, Levenworth, Marshall, Matlock, M'Clure, Pollock, Read of D. and M. Roberts, Slaughter, Stevens, Veatch, Wallace, Wilson and Moore, Speaker—24.

And those who voted in the negative are,

Messrs. Allen, Beard, Boon, Brown, Claypool, De Pauw, Elliott, Graham, Howk, Huntington, Irwin, Jackson, Jones, Kinnard, Lemon, Lewis, Little, Lomax, Long, M'Kinney, M'Pheeters, Newell, Pabody, Percy, Reid of F., Smiley, Spann, Stapp, Steele, Watts, Work, and Worth—32.

And so said motion was decided in the negative.

Mr. Bassett moved further to amend said bill in the second section and tenth line, by inserting the words following: "to Indianapolis, thence to Aurora, on the Ohio river, in the county of Dearborn."

And the ayes and noes being required on said motion, by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Adams, Allen, Annable, Beard, Bassett, Clendenin, Craig, Decoursey, De Pauw, Hendricks, Howk, Judah, Kinnard, Levenworth, Little, Marshall, M'Clure, M'Kinney, M'Pheeters, Newell, Pollock, Roberts, Slaughter, Stevens, Veatch, Wallace, Worth and Moore, Speaker—23.

And those who voted in the negative are,

Messrs. Blair, Boon, Brown, Claypool, Elliott, Graham, Huntington, Irwin, Jackson, Johnson of P., Johnston of V. and W., Jones, Lemon, Lewis, Lomax, Long, Matlock, Pabody, Percy, Reid of F., Read of D. & M., Smiley, Spann, Stapp, Steele, Watts, Wilson and Work—28.

And so said motion was decided in the negative.

Mr. Stapp moved further to amend said bill in the second section and tenth line, by inserting the words following: "to Indianapolis, thence to Columbus, and thence to Madison, on the Ohio river, in Jefferson county."

A division of the question being required by Mr. Pabody, the question was taken on inserting the word "Columbus."

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

MESSRS. Allen, Beard, Boon, Brown, Claypool, Elliott, Huntington, Irwin, Jones, Kinnard, Lewis, Long, Matlock, M'Clure, M'Kinney, Newell, Pabody, Percy, Reid of F., Slaughter, Smiley, Spann, Stapp, Steele, Watts and Worth—26.

And those who voted in the negative are,

Messrs. Adams, Annable, Bassett, Blair, Clendenin, Craig, Decoursey, De Pauw, Graham, Hendricks, Howk, Jackson, Johnson of P., Johnston of V. and W., Judah, Lemon, Levenworth, Little, Lomax, Marshall, M'Pheeters, Pollock, Read of D. and M., Roberts, Stevens, Veatch, Wallace, Wilson, Work and Moore, Speaker—30.

And so said motion was decided in the negative.

The Speaker then decided it to be out of order to put the question on filling the blank with "the town

of Madison, on the Ohio river, in the county of Jefferson;" the same question having been before put and decided on by the house.

Mr. Beard moved further to amend said bill in the second section and tenth line, by inserting after the word "*Indianapolis*," the words following: "passing the great Miami reservation on the west side thereof;" which motion was decided in the negative.

Mr. Stapp moved further to amend said bill in section 2d, and 10th line, by inserting the following: "And from thence to the nearest and most convenient point on the Ohio river; and in making such selection, said commissioners shall take into their consideration, the eligibility of the route where such road may pass, for making a good and permanent highway; and shall also take into their consideration, the commercial interest of the state; and in all cases where the citizens of any point on the Ohio river, shall wish an examination and survey of the route from Indianapolis to such point, it shall be the duty of said commissioners to examine and survey the same: Provided, that said citizens shall, before the location of said road, tender to said commissioners a bond with security to the satisfaction of said commissioners, in a sum sufficient to cover all expenses in making such examination and survey; which bond shall be made payable to said commissioners, and the amount thereof recoverable in any court of record in this state; which shall, by the judgment of the court, be discharged by the payment of the expenses actually incurred in making such examination and survey.

Mr. Stevens moved to amend the proposed amendment of Mr. Stapp, by inserting after the words "commercial interests of the state," the words following: "and such donations of land, money or property as may be donated and certainly and effectually secured to the state of Indiana, to be by the

state appropriated towards opening and improving said road from the town of Indianapolis to the termination of said road on the Ohio river."

Which motion was carried in the affirmative.

Mr. Howk moved further to amend said proposed amendment, by striking out the words "nearest and" in the first line.

Which motion was also carried in the affirmative.

The question recurring on the adoption of the amendment as proposed by Mr. Stapp, as amended.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Allen, Beard, Boon, Brown, Claypool, Decoursey, Elliott, Huntington, Irwin, Jackson, Jones, Kinnard, Lewis, Lomax, Long, Matlock, McKinney, Newell, Pabody, Percy, Reid of F., Smiley, Spann, Stapp, Steele and Stevens—26.

And those who voted in the negative are,

Messrs. Adams, Annable, Bassett, Blair, Clendenin, Craig, De Pauw, Graham, Hendricks, Howk, Johnson of P. Johnston of V. and W. Judah, Lemon, Levenworth, Little, Marshall, McClure, MPheeters, Pollock, Read of D. and M. Roberts, Slaughter, Veatch, Wallace, Watts, Wilson, Work, Worth and and Moore, Speaker—50.

And so said motion was decided in the negative.

Mr. Howk moved further to amend said bill in the 2d section and 10th line, by inserting the words following: "to Indianapolis, thence to the Falls of the Ohio river,"

Mr. Irwin moved to amend the proposed amendment, by adding "by the way of Columbus."

Which motion was decided in the negative.

Mr. Stapp moved to amend the proposed amendment of Mr. Howk, by adding at the end thereof, the words "at Jeffersonville."

Which motion was decided in the negative.

The question recurring on the motion of Mr. Howk to amend said bill;

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Adams, Allen, Annable, Bassett, Blair, Craig, Decoursey, De Pauw, Graham, Hendricks, Hawk, Irwin, Jackson, Judah, Kinnard, Lemon, Little, Marshall, M'Pheeters, Pollock, Slaughter, Veatch, Watts, Wilson, Work and Moore, Speaker
—26.

And those who voted in the negative are,

Messrs. Beard, Boon, Brown, Claypool, Clendenin, Elliott, Huntington, Johnson of P., Johnston of V. and W., Jones, Levenworth, Lewis, Lomax, Long, Matlock, M'Clure, M'Kinney, Newell, Pabody, Percy, Read of D. and M., Reid of F., Roberts, Smiley, Spann, Stapp, Steele, Stevens, Wallace and Worth
—30.

And so said motion was decided in the negative. And then the House adjourned until 2 o'clock P. M.

2 o'clock, P. M.

The house met pursuant to adjournment.

The house resumed the consideration of the bill to locate a road from Lake Michigan, by the way of Indianapolis, to the Ohio river.

Mr. Craig moved to lay said bill on the table.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Adams, Allen, Annable, Beard, Bassett, Brown, Claypool, Clendenin, Craig, Decoursey, De Pauw, Graham, Hendricks, Hawk, Jackson, Johnson

of P., Johnston of V. and W., Judah, Kinnard, Lemon, Levenworth, Lewis, Little, Lomax, Marshall, M'Pheeters, Pabody, Percy, Pollock, Roberts, Slaughter, Steele, Veatch, Wallace, Watts, Wilson, Work, Worth and Moore, Speaker—39.

And those who voted in the negative are,

Messrs. Blair, Boon, Elliott, Huntington, Irwin, Jones, Long, Matlock, M'Clure, M'Kinney, Newell, Reid of F., Smiley, Spann and Stapp—15.

And so said motion was carried in the affirmative.

Mr. Hendricks, after having obtained leave, presented a bill to amend the several acts regulating the judicial circuits, and fixing the times of holding courts therein; which was read the first time, and passed to a second reading to-morrow.

The house took up and proceeded to consider the orders of the day.

The engrossed bill from the senate, entitled an act to provide for surveying and marking a road from Lake Michigan to Indianapolis, was read the second time, and committed to a committee of the whole house to-morrow.

The bill to authorize the inhabitants of congressional township No. 11, range 9 west, to incorporate themselves according to the provisions of the act of 1824:

The bill to extend an act entitled an act to provide for recording brands, ear marks, and for posting estrays in the counties therein named, and for other purposes, approved January 24th, 1827; and,

The bill to provide for the repayment of certain monies to the county of Delaware, were severally read the second time, and ordered to be engrossed, and read a third time to-morrow.

The engrossed bill from the senate entitled an act

to amend an act to establish a state library, approved February 11th, 1825;

The engrossed bill from the senate entitled an act for the relief of John Spencer, collector of Dearborn county; and,

The engrossed joint resolution from the senate, relative to the procuring of a complete set of the journals of Congress and other public documents, were severally read the second time, and passed to a third reading to-morrow.

A message was received from the senate, by Mr. Farnham, their assistant secretary, announcing, that the senate have passed a joint resolution of the General Assembly, relative to the western mail route from Louisville, in Kentucky, to St. Louis, in Missouri; in which the concurrence of the house of representatives is requested.

The said joint resolution was read the first time, and passed to a second reading to-morrow.

The engrossed bill to carry into effect the 8th article of the constitution of Indiana; and

The engrossed bill to incorporate the town of Corydon in the county of Harrison, were severally read the third time and passed.

Ordered, That the same be entitled "acts," and that the Clerk carry the same to the Senate and ask their concurrence therein.

On motion of Mr. Smiley,

The committee of the whole house to whom was committed the bill for the relief of Jesse Gifford and William Williams, were discharged from the further consideration thereof.

Said bill was then ordered to be engrossed, and read a third time to-morrow.

The house resolved itself into a committee of the whole on the bill to amend an act entitled an act regulating the jurisdiction and duties of justices of the peace, approved January 30th, 1824; and after

some time spent therein, the speaker resumed the chair, and Mr. M'Pheeters reported progress, and asked leave to sit again.

Which leave was granted by the house.

Mr. Bassett moved to suspend for the present the several orders of the day.

Which motion was carried in the affirmative.

Mr. Bassett then presented the following resolution to wit:

Resolved, That this house will adjourn, sine die, on the 12th of January inst., and that the senate be informed thereof, and a similar resolution be on their part requested.

And then the house adjourned until to-morrow morning nine o'clock.

FRIDAY MORNING, JANUARY 4, 1828.

The house met pursuant to adjournment.

Mr. De Pauw, from the committee on the affairs of the town of Indianapolis, to whom was referred the communication from the Governor, respecting the approaching vacancy in the office of the agent of state for the town of Indianapolis, reported a joint resolution on that subject; which was read the first time, and passed to a 2d reading to-morrow.

Mr. Kinnard from the select committee to whom was referred that part of the Governor's message which relates to the national road, reported a memorial and joint resolution on that subject; which was read the first time, and passed to a second reading to-morrow.

Mr. Decoursey from the select committee to whom was referred the resolution of this house, directing an enquiry into the expediency of giving a premium

for discovering the cause of a certain disease, sometimes known by the name of the milk sickness, reported a joint resolution on that subject; which was read the first time, and passed to a second reading to-morrow.

Mr. Marshall, from the joint committee for enrolled bills, made the following report, to wit:

The joint committee on enrolled bills, did on this day, present to his Excellency, the Governor, for his approval and signature, the following enrolled bills, entitled acts, to wit:

An act attaching a portion of vacant territory to the county of Floyd, lying adjoining to said county.

An act to establish a levee to preserve the road leading from Vincennes through the lower Prairie, near the Wabash river;

An act respecting the state and county revenue of the county of Clay for the year 1826.

An act to establish a canal to connect the navigable waters of the Wabash river, with the navigable waters of the Miami of Lake Erie.

An act to amend an act entitled an act respecting apprentices, approved January 7, 1818.

An act relative to the Knox county poor house.

An act supplemental to an act entitled "an act changing the mode of doing county business in certain counties therein named, approved January 26, 1827."

On motion of Mr. Work,

Resolved, That the judiciary committee be instructed to enquire into the expediency of prohibiting or restricting by law, the migration of persons of color to this state, and report to the house by bill or otherwise.

The house resumed the consideration of the resolution presented by Mr. Bassett, which reads in the words following, to wit:

Resolved, That this house will adjourn, *sine die*,

on the twelfth of January inst., and that the senate be informed thereof, and a similar resolution be requested on their part.

Mr. Stapp moved to amend said resolution, by inserting after the word "instant," the words following: "provided we should at that time be ready to adjourn." And,

On motion of Mr. Read of D. and M.,

Said resolution and proposed amendment were ordered to lie on the table.

Mr. Howk from the select committee to whom was referred a resolution of this house on that subject, reported a bill to amend the act entitled an act to incorporate the town of Charlestown in the county of Clark; which was read the first time, and passed to a second reading to-morrow.

Mr. Lomax, after having obtained leave, presented a bill for the relief of the collector of Wayne county; which was read the first time; when

Mr. Wilson moved to reject the same.

Which motion was decided in the negative.

The said bill was then ordered to a second reading to-morrow.

Mr. Elliott moved to take up the bill to locate a road from Lake Michigan, by way of Indianapolis, to the Ohio river; which motion was carried in the affirmative.

Mr. Judah moved further to amend said bill in the second section and tenth line, by inserting the words following: "to Indianapolis, thence to Levenworth on the Ohio river, in the county of Crawford."

And the ayes and noes being required on said motion by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Adams, Annable, Bassett, Blair, Clendenin, Craig, Decoursey, De Pauw, Hendricks, Johnson of P., Johnston of

V. and W., Judah, Levenworth, Marshall, McClure, Pollock, Reid of D. and M., Roberts, Slaughter, Steele, Veatch, Wallace, Wilson and Moore, Sp'r—24.

And those who voted in the negative are,

Messrs. Allen, Beard, Boon, Brown, Claypool, Elliott, Graham, Hawk, Huntington, Irwin, Jackson, Jones, Kinnard, Lemon, Lewis, Little, Lomax, Long, Matlock, McKinney, MPheeters, Newell, Pabody, Percy, Reid of F. Smiley, Spann, Stapp, Stevens, Watts. Work and Worth—32.

And so said motion was decided in the negative.

Mr. Graham moved to postpone the further consideration of said bill until the first Monday in December next.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Blair, Clendenin, De Pauw, Graham, Hawk, Jackson, Johnson of P., Judah, Lemon, Levenworth, Little, Marshall, MPheeters, Pollock, Roberts, Slaughter, Wallace, Wilson and Work—19.

And those who voted in the negative are,

Messrs. Adams, Allen, Annable, Beard, Bassett, Boon, Brown, Claypool, Craig, Decoursey, Elliott, Hendricks, Huntington, Irwin, Johnston of V. and W., Jones, Kinnard, Lewis, Lomax, Long, Matlock, McClure, McKinney, Newell, Pabody, Percy, Read of D. and M., Reid of F., Smiley, Spann, Stapp, Steele, Stevens, Veatch, Watts, Worth and Moore, Sp'r—37.

And so said motion was decided in the negative.

Mr. Stapp moved further to amend said bill in the 2d section and 10th line, by inserting the words following: "to Indianapolis, thence to the mouth of Crooked creek, on the Ohio river, in the county of Jefferson."

And the ayes and noes being required on said motion by two members, the same are as follows, viz:

Those who voted in the affirmative are,

Messrs. Adams, Allen, Beard, Boon, Brown, Claypool, Elliott, Huntington, Irwin Jones, Kinnard, Lewis, Long, Matlock, McClure, McKinney, Newell, Pabody, Percy, Read of D. and M., Reid of F., Smiley, Spann, Stapp, Steele, and Worth—26.

And those who voted in the negative are,

Messrs. Annable, Bassett, Blair, Clendenin, Craig, Decoursey, De Pauw, Graham, Hendricks, Hawk, Jackson, Johnson of P., Johnston of V. and W., Judah, Lemon, Levenworth, Little, Lomax, Marshall, MPheeters, Pollock, Roberts, Slaughter, Stevens, Veatch, Wallace, Watts, Wilson Work & Moore, Speaker—30.

And so said motion was decided in the negative.

Mr. Stevens moved further to amend said bill in the second section and tenth line, by inserting the words following: "to Indianapolis, thence to some convenient point on the Ohio river."

And the ayes and noes being required on said motion by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Adams, Allen, Boon, Brown, Claypool, Decoursey, Elliott, Hendricks, Hawk, Irwin, Jackson, Jones, Kinnard, Lemon, Lewis, Lomax, Long, Matlock, Pabody, Percy, Pollock, Smiley, Spann, Stapp, Stevens, Watts and Worth—26.

And those who voted in the negative are.

Messrs. Annable, Beard, Bassett, Blair, Clendenin, Craig, De Pauw, Graham, Huntington, Johnson of P., Johnston of V. and W., Judah, Levenworth, Little, Marshall, McClure, McKinney, MPheeters, Newell, Read of D. and M., Reid of F., Roberts, Slaughter, Steele, Veatch, Wallace, Wilson, Work and Moore, Speaker—29.

And so said motion was decided in the negative.

Mr. Pollock moved further to amend said bill in the second section and tenth line, by inserting the words following: "to Indianapolis, thence to the house of major Samuel Jelly, a convenient point on the Ohio river, in the county of Dearborn."

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Adams, Allen, Beard, Bassett, Brown, Craig, Decoursey, Hendricks, Judah, Kinnard, Levenworth, Lewis, M'Clure, M'Kinney, Pollock, Slaughter, Stevens, Wallace and Worth—19.

And those who voted in the negative are,

Messrs. Annable, Blair, Boon, Claypool, Clendenin, De Pauw, Elliott, Graham, Hawk, Huntington, Irwin, Jackson, Jones, Johnson of P., Johnston of V. and W., Lemon, Little, Lomax, Long, Marshall, Matlock, M'Pheeters, Newell, Pabody, Percy, Roberts, Read of D. and M., Reid of F., Smiley, Spann, Stapp, Steele, Veatch, Watts, Wilson, Work and Moore, Speaker—37.

And so said motion was decided in the negative.

Mr. Read of D. and M., moved to lay said bill on the table.

Which motion was decided in the negative.

Mr. Brown moved further to amend said bill in the second section and tenth line, by inserting the words following:

"That so much of said road as lies between Indianapolis and the Ohio river, shall be laid out in the following manner, to wit: There shall be three commissioners elected by joint ballot of both houses of the General Assembly, who shall meet in the town of Indianapolis, on the first Monday in July next; and said commissioners, or a majority of them when met, shall take an oath or affirmation, to faithfully

and impartially view and locate a road from Indianapolis to the nearest and most eligible point on the Ohio river, in conformity with the act of congress, granting one section of land per each mile in length of a road running from Lake Michigan, via Indianapolis, to the Ohio river.

That it shall be the duty of said commissioners to make a nett estimate of the expense of making a clay turpikie road on said location, and report the same to the executive of this state, who shall within ten days after receiving the same, have such location and estimates recorded in the office of the secretary of state; and when so filed the said road shall be considered a permanent state road, and shall not be altered or changed, except by an act of the legislature."

Mr. Boon moved to amend said amendment, by striking out the words following: "the nearest and most eligible," and inserting the following in lieu thereof: "some convenient."

Mr. M'Kinney then moved to postpone the further consideration of said bill and proposed amendment thereto, indefinitely.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Beard, Bassett, Blair, Clendenin, Decoursey, De Pauw, Graham, Hawk, Huntington, Jackson, Johnson of P., Judah, Lemon, Levenworth, Little, Marshall, M'Clure., M'Kinney, M'Pheeters, Newell, Read of D. and M. Reid of F., Roberts, Slaughter, Stevens, Veatch, Wallace, Wilson, Work and Worth—30.

And those who voted in the negative are,

Messrs. Adams, Allen, Annable, Boon, Brown, Claypool, Craig, Elliott, Hendricks, Irwin, Johnston

of V. and W., Jones, Kinnard, Lewis, Lomax, Long, Matlock, Pabody, Percy, Pollock, Smiley, Spann, Stapp, Steele, Watts and Moore, Speaker—26.

And so said motion was carried in the affirmative.

And then the house adjourned until two o'clock P. M.

2 o'clock P. M.

The House met pursuant to adjournment.

Mr. Pabody, after having obtained leave, presented a joint resolution requesting our Senators and Representatives in Congress, to apply for a corps of engineers, to locate the Michigan road; which was read the first time, and ordered to a second reading to-morrow.

The house took up and proceeded to consider the orders of the day.

The engrossed bill from the Senate entitled an act for the relief of John Spencer, collector of Dearborn county, was read the third time.

Mr. Wilson moved to postpone the further consideration of said bill indefinitely.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Craig, Howk, Johnson of P. Johnston of V. and W. Judah, Marshall, Matlock, M'Clure, Spann, Wilson, and Worth—11.

And those who voted in the negative are,

Messrs. Adams, Allen, Annable, Beard, Bassett, Blair, Boon, Brown, Claypool, Clendenin, Decoursey, De Pauw, Elliott, Graham, Hendricks, Huntington, Irwin, Jackson, Jones, Kinnard, Lemon, Levenworth, Lewis, Little, Lomax, Long, M'Kinney, M'Pheeters, Newell, Pabody, Percy, Pollock, Reid of F.,

Read of D. and M. Roberts, Slaughter, Smiley, Stapp, Steele, Stevens, Veatch, Wallace, Watts, Work and Moore, Speaker—45.

And so said motion was decided in the negative.

On motion of Mr. Stevens,

Said bill was recommitted to a committee of the whole house to-morrow.

The bill divorcing Sally Rose from her husband, Edward W. Rose, was read the second time; when

Mr. Elliott moved to postpone the further consideration thereof indefinitely.

Which motion was carried in the affirmative.

Mr. Worth from the joint committee for enrolled bills, made the following report, to wit:

The joint committee for enrolled bills, have compared the enrolled with the engrossed bills of the following titles, to wit:

An act to amend an act entitled an act for the benefit of persons who have, or are likely to suffer by the destruction of the records of Dearborn county, which were consumed by fire in the court house at Lawrenceburgh on the morning of the 6th of March, 1826, approved January 11th, 1827.

An act authorizing the leasing of Royce's Lick and Rock Lick reserves in the county of Washington; and

An act for the formation of the county of Carroll.

And find the same truly enrolled.

When the speaker signed the said bills.

Ordered, That the Clerk carry the same to the Senate for the signature of their President.

The bill supplemental to an act entitled an act providing for the incorporation of towns, approved January 30th, 1824, and in aid of the trustees and corporation of the town of New-Albany;

The bill to promote and encourage the manufacturing of salt within the state of Indiana;

The engrossed joint resolution from the Senate

relative to the western mail route from Louisville in Kentucky, to St. Louis in Missouri;

The bill to amend the several acts regulating the judicial circuits, and fixing the times of holding courts therein, were severally read the second time, and committed to a committee of the whole house to-morrow.

The engrossed bill for the relief of William Williams and Jesse Gifford, was read the third time;

And on motion of Mr. Stevens,

Said bill was recommitted to a committee of the whole house to-morrow.

The following message was received from the Senate, by Mr. Farnham, their assistant secretary, announcing that the Senate have passed the following bills, entitled acts, to wit:

An act to amend an act entitled an act to establish county seminaries in the several counties therein named, approved January 26, 1827.

An act to amend the several acts now in force in this state for assessing and collecting the revenue.

An act to authorize the qualified voters of this state to vote for or against a convention for the revision of the constitution of this state. Also,

A joint resolution of the General Assembly, relative to a bridge over the Muscatituck on the Mauk's ferry road.

In which several acts and joint resolution, the concurrence of the House of Representatives is requested.

The above engrossed bills from the Senate entitled acts, and the engrossed joint resolution, were severally read the first time, and passed to a second reading to-morrow.

The engrossed bill authorizing the inhabitants of Congressional township No. 11, of range 9 west, to incorporate themselves, according to the provisions of the act of 1824;

The engrossed bill to extend an act entitled an act to provide for recording brands, ear marks, and posting estrays in the counties therein named, approved January 24, 1824;

The engrossed bill from the Senate entitled an act to amend an act to establish a state library, approved February 11, 1825;

The engrossed joint resolution from the Senate, relative to the procuring of a complete set of the journals of Congress and other public documents, and

The engrossed bill providing for the repayment of certain monies to the county of Delaware, were severally read the third time and passed.

Ordered, That the 1st, 2d, and 5th named bills be entitled "acts," and that the Clerk carry the same to the Senate, and ask their concurrence therein; and that the Clerk inform the Senate of the passage of the 3d named bill and the joint resolution without amendment.

The house again resolved itself into a committee of the whole on the bill to amend an act entitled an act regulating the jurisdiction and duties of Justices of the peace, approved January 30th, 1824; and after some time spent therein, the Speaker resumed the chair, and Mr. Newell reported said bill with several amendments; which were concurred in by the house generally.

Mr. Wilson moved further to amend said bill, by adding the following, which if adopted, would constitute another section thereto, to wit:

That constables shall be allowed the following fees: For serving a summons or warrant on each person named therein, 18 3-4 cents; travelling to serve process, per mile, 4 cents. When two or more are named in such process, mileage shall be allowed to the place of actual service the most remote from the place where such process is returnable; for a copy of the process left at the defendant's resi-

dence, ten cents—serving a subpœna, for each person therein named, ten cents; returning each summons and scire facias, five cents; serving execution, and mileage as above, 18 3-4 cents; sale of goods where the amount does not exceed six dollars, 18 3-4 cents; on all sums above six dollars, three per centum; on all monies collected on execution without sale, one and one half per centum; returning the same, six and one fourth cents; for summoning jury, 18 3-4 cents; attending jury trial before justice, ten cents; attending an examination of a person charged with a crime, 18 3-4 cents; if more than one, an addition for each of five cents; commitment of each person, 18 3-4 cents.

And the ayes and noes being required by two members, on said motion to amend, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Adams, Howk, Huntington, Johnston of V. and W., Marshall, Read of D. & M., Roberts and Wilson—8.

And those who voted in the negative are,

Messrs. Allen, Annable, Beard, Bassett, Blair, Boon, Brown, Claypool, Clendenin, Craig, Decoursey, De Pauw, Elliott, Graham, Hendricks, Irwin, Jackson, Johnson of P., Jones, Judah, Kinnard, Lemon, Levenworth, Lewis, Little, Lomax, Long, Matlock, M'Clure, M'Kinney, M'Pheeters, Newell, Pabody, Percy, Pollock, Reid of F., Slaughter, Smiley, Spann, Stapp, Steele, Stevens, Veatch, Wallace, Watts, Worth, Work and Moore, Speaker—48.

And so said motion was decided in the negative.

Mr. Lomax moved to postpone the further consideration of said bill indefinitely.

And the ayes and noes being required thereon by two members, the same are as follows, to wit :

Those who voted in the affirmative are,

Messrs. Annable, Beard, Craig, Howk, Huntington, Lomax, Marshall, Spann and Steele—9.

And those who voted in the negative are,

MESSRS. Adams, Allen, Bassett, Blair, Boon, Brown, Claypool, Clendenin, Decoursey, De Pauw, Elliott, Graham, Hendricks, Irwin, Jackson, Johnson of P., Johnston of V. and W., Jones, Judah, Kinnard, Lemon, Levenworth, Lewis, Little, Long, Matlock, M'Clure, M'Kinney, M'Pheeters, Newell, Pabody, Percy, Pollock, Read of D. and M., Reid of F., Roberts, Slaughter, Smiley, Stapp, Stevens, Veatch, Wallace, Watts Wilson, Work, Worth and Moore, Speaker—47.

And so said motion was decided in the negative.

Mr. Watts then moved further to amend said bill in the third section and seventh line, by inserting after the word "paid," the following: "or staid, by giving good and sufficient security, to be entered on the docket of such justice."

This amendment being read, and debate arising thereon, the previous question was called for by Mr. Little, and being seconded by three members; the previous question was put in the form prescribed by the rules of the house, that is to say: Shall the main question be now put? And it passed in the affirmative.

The said main question, viz: Shall said bill be engrossed and read a third time? was then put; and it passed in the affirmative.

To-morrow was then assigned for the third reading of said bill.

And then the house adjourned until to-morrow morning nine o'clock.

SATURDAY MORNING, JANUARY 5, 1828.

The House met pursuant to adjournment.

Mr. Graham moved to take up the petition and documents which lie on the table, on the subject of incorporating a company to build a bridge across the Ohio river, at or near the foot of the falls of said river; which motion was carried in the affirmative.

The said petition and documents, were then referred to a select committee, of Messrs. Graham, Hawk and Slaughter.

Mr. Clendenin, from the committee of ways and means, reported a bill to amend the act entitled an act concerning the auditor of public accounts, and the secretary of state; which was read the first time and passed to a second reading on Monday next.

Mr. Stapp, from the committee on military affairs, to whom was recommitted the engrossed bill from the Senate, to amend an act entitled an act to regulate the militia of the state of Indiana; approved January 20, 1824, reported the same with an amendment, by striking our said bill from its enacting clause, and inserting eleven new sections in lieu thereof; which were twice read; when

Mr. Brown moved to amend the sixth section of said amendment, by striking out the words "nor more than two dollars;" which motion was decided in the negative.

Mr. Pollock moved to postpone the further consideration of said bill, with the proposed amendment until the first Monday in August next.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Bassett, Levenworth, Pollock, and Stevens—4.

And those who voted in the negative are,

Messrs. Adams, Allen, Annable, Beard, Blair, Boon, Brown, Campbell, Claypool, Clendenin, Craig, Decoursey, De Pauw, Elliott, Graham, Hendricks, Howk, Huntington, Irwin, Jackson, Johnson of P., Johnston of V. and W., Jones, Judah, Kinnard, Lemon, Lewis, Little, Lomax, Long, Marshall, Matlock, M'Clure, M'Kinney, M'Pheeters, Newell, Pabody, Percy, Read of D. and M., Reid of F., Roberts, Slaughter, Spann, Stapp, Steele, Veatch, Wallace, Watts, Wilson, Work, Worth and Moore, Speaker—52.

And so said motion was decided in the negative.

Mr. Little moved to recommit said bill to the committee on military affairs, with instructions to report a bill to this house agreeable to the principles contained in the bill so committed.

Which motion was decided in the negative.

Mr. Matlock moved to amend said amendment, by striking out the proviso to the 6th section thereof; which reads in the words following: "Provided, that in no case shall persons conscientiously scrupulous of bearing arms, be fined higher than the lowest fine in this act."

Which motion was decided in the negative.

Mr. Lemon moved to amend the 6th section of said amendment, by inserting before the word "musician," the words following: "Non-commissioned officers."

Which motion was carried in the affirmative.

Mr. Steele moved further to amend said amendment, by striking out the 6th section thereof; which reads in the words following:

"That if any non-commissioned officer, musician or private, shall fail to attend with his company, battalion or regimental muster, during the whole time the same shall be on parade, shall be fined, at the discretion of the court of assessments, in any

sum not less than 25 cents, nor more than \$2 00; Provided, that in no case shall persons conscientiously scrupulous of bearing arms be fined higher than the lowest fine named in this act."

And the ayes and noes being required on said motion by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Brown, Claypool, Clendenin, Decoursey, De Pauw, Elliott, Graham, Hendricks, Howk, Jackson, Jones, Lemon, Levenworth, Lewis, Little, Lomax, Matlock, M'Kinney, M'Pheeters, Newell, Pollock, Roberts, Slaughter, Steele, Stevens, Wallace, Watts and Worth—28.

And those who voted in the negative are,

Messrs. Adams, Allen, Beard, Bassett, Blair, Boon, Campbell, Craig, Huntington, Irwin, Johnson of P., Johnston of V. and W., Judah, Kinnard, Long, Marshall, M'Clure, Pabody, Percy, Reid of F., Read of D. and M., Spann, Stapp, Veatch, Wilson, Work and Moore, Speaker—27.

And so said motion was carried in the affirmative.

Mr. Pollock moved further to amend said amendment, by inserting the following in lieu of the 6th section thereof, which has been stricken out, to wit: "There shall be in each and every year a regimental muster, at such time in the month of May as the brigadier general shall direct, when every field and staff officer, and all company officers, non-commissioned officers, musicians and privates belonging to such regiment, shall attend armed and equipped as the law directs; and there shall be a company muster in the month of April, at such time and place as the commandants thereof may appoint, when and where every commissioned and non-commissioned

officer, musician and private belonging to said company, shall attend armed and equipped as the law directs; when it shall be the duty of said commandants of companies to make out a return of the strength of their respective companies, and after having copied the same in a book kept for that purpose, shall deliver the same to the commandants of the regiment to which he belongs, on or before the first day of July annually. The section of the militia law of 1824 to which this is an amendment, is hereby repealed, as also that of the year 1827."

Mr. Lemon moved to amend the amendment proposed by Mr. Pollock, by striking out the word "May," the time for holding regimental musters, and inserting the word "October" in lieu thereof.

Which motion was carried in the affirmative.

Mr. Lemon moved further to amend said amendment, by inserting after the word "April," the words following: "and one battalion muster in the month of May in each and every year."

And the ayes and noes being required on said amendment, the same are as follows, to-wit:

Those who voted in the affirmative are,

Messrs. Adams, Allen, Annable, Blair, Claypool, Clendenin, Craig, De Pauw, Hawk, Huntington, Johnston of V. and W., Kinnard, Lemon, Long, Marshall, M'Kinney, Newell, Percy, Read of D. and M., Reid of F., Roberts, Wallace, Wilson, and Work—24.

And those who voted in the negative are.

Messrs. Beard, Bassett, Boon, Brown, Campbell, Decoursey, Elliott, Graham, Hendricks, Irwin, Jackson, Johnson of P., Jones, Judah, Levenworth, Lewis, Little, Lomax, Matlock, M'Clure, M'Pheeters,

Pabody, Pollock, Slaughter, Spann, Stapp, Steele, Stevens, Veatch, Watts Worth and Moore, Speaker—32.

And so said motion was decided in the negative.

Mr. Stapp moved further to amend said proposed amendment, by striking out that part which relates to regimental musters.

Which motion was decided in the negative.

The question then recurring on amending said amendment, as proposed by Mr. Pollock;

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Adams, Allen, Annable, Bassett, Beard, Boon, Brown, Campbell, Decoursey, Elliott, Hendricks, Jackson, Johnson of P., Johnston of V. and W., Jones, Judah, Levenworth, Lewis, Little, Lomax, Long, Matlock, M'Clure, M'Pheeters, Newell, Pabody, Pollock, Read of D. and M., Slaughter, Spann, Stapp, Steele, Stevens, Veatch, Watts, Worth and Moore, Speaker—37.

And those who voted in the negative are,

Messrs. Blair, Claypool, Clendenin, Craig, De Pauw, Graham, Howk, Huntington, Irwin, Kinnard, Lemon, Marshall, M'Kinney, Percy, Reid of F., Roberts, Wallace, Wilson and Work—19.

And so said motion was carried in the affirmative.

Mr. Lemon moved to lay said bill and proposed amendment on the table.

Which motion was decided in the negative.

The house then agreed to the 1st, 2d, 3d, 4th, 5th, 6th, 7th, 8th, and 9th sections of said amendment, but disagreed to the 10th section in said amendment. The house also agreed to the 11th section in said amendment with an amendment.

Ordered, That the amendment to said bill be engrossed, and that the same, with said bill, be read a 3d time on Monday next.

On motion of Mr. M'Kinney,

The committee of the whole house to whom was committed the joint resolution from the Senate, relative to the mail route from Louisville, in Kentucky, to St. Louis, in Missouri, were discharged from the further consideration thereof.

Said joint resolution was then ordered to a third reading on Monday next.

On motion of Mr. Graham,

The committee of the whole house to whom was committed the bill to amend the act providing for the incorporation of towns, and in aid of the trustees and corporation of the town of New-Albany, were discharged from the further consideration thereof.

Said bill was then ordered to be engrossed, and read a third time on Monday next.

And then the house adjourned until two o'clock P. M.

2 o'clock P. M.

The House met pursuant to adjournment.

Mr. Hawk, after having obtained leave, presented a bill supplemental to the act entitled an act to establish a board of trustees for the promotion of schools and education in Clark's grant; which was read the first time, and passed to a second reading on Monday next.

The following message was received from the senate, by Mr. Farnham, their assistant secretary, announcing that the Senate have passed engrossed bills of the House of Representatives of the following titles, to wit:

An act to amend the act entitled an act relative to crimes and punishments; and

An act authorizing the board of justices of Wayne county, to sell a part of the public square in the town of Centreville, with amendments; also an original bill, entitled,

An act attaching part of the county of Morgan to the county of Johnson.

In which last named bill, and the amendments to the two first named, the concurrence of the house of representatives is requested.

The first amendment made by the Senate to the engrossed bill of this house, entitled an act to amend the act relative to crimes and punishments, was, by adding the words following after the word "determine," in the 5th section, as an additional punishment to those guilty of petit larceny, to wit: "to which the jury may, in their discretion, add any number of stripes not exceeding thirty-nine."

And the ayes and noes being required by two members, on the question to agree to said amendment, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Boon, Craig, De Pauw, Irwin, Jackson, Johnson of P., Long, Newell, Reid of F., and Veatch—10.

And those who voted in the negative are,

Messrs. Adams, Allen, Annable, Beard, Bassett, Blair, Brown, Claypool, Decoursey, Elliott, Hendricks, Huntington, Johnston of V. and W., Jones, Judah, Kinnard, Lemon, Levenworth, Lewis, Marshall, Matlock, M'Clure, M'Kinney, M'Pheeters, Pabody, Percy, Roberts, Slaughter, Spann, Stapp, Steele, Stevens, Wallace, Watts, Work, Worth and Moore, Speaker—37.

And so the house refused to agree to said amendment.

The house agree to the 2d, 4th, 5th and 7th amendments proposed by the Senate to said bill, and also the 6th amendment, with an amendment; but disagreed to the 8th amendment made by the Senate thereto.

And the question being put, Will the house agree to the 3d amendment; made by the Senate to said bill? which was by striking out the 9th section thereof, which reads as follows:

"That all ordained or regularly licensed preachers of the gospel be, and they are hereby exempted from serving on juries, in any case whatever."

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs: Allen, Annable, Beard, Bassett, Blair, Brown, Claypool, De Pauw, Elliott, Hendricks, Jackson, Kinnard, Lemon, Lewis, Long, Matlock, McKinney, MPheeters, Pabody, Reid of F., Roberts, Spann, Steele, Stevens and Worth—25.

And those who voted in the negative are,

Messrs. Adams, Boon, Craig, Decoursey, Howk, Huntington, Irwin, Johnson of P. Johnston of V. and W. Jones, Judah, Levenworth, Marshall, McClure, Newell, Percy, Pollock, Slaughter, Stapp, Veatch, Wallace, Watts, Work and Moore, Speaker—24.

And so said amendment was agreed to by the house.

Ordered, That the Clerk inform the Senate of the above, and ask their concurrence in the amendment made by this house, to the 6th amendment made by the Senate to said bill.

The house also agree to the amendment made by the Senate, to the bill of this house, authorising the board of Justices of Wayne county to sell a part of the public square in the town of Centreville.

Ordered, That the clerk inform the senate thereof.

The engrossed bill, from the Senate, entitled an act attaching a part of the county of Morgan to the county of Johnson, was read the first time and passed to a second reading on Monday next.

The following message was received from the Governor, by John N. Wick:

I am instructed by His Excellency the Governor, to inform this house, that, on this day, January 5, the following acts have received his signature and approbation:

An act relative to the Knox county poor house.

An act supplemental to an act entitled an act changing the mode of doing county business in certain counties therein named, approved January 26, 1827.

An act attaching a portion of vacant territory to the county of Floyd, lying adjoining to the said county.

An act respecting the state and county revenue of the county of Clay for the year 1826.

An act to establish a canal to connect the navigable waters of the Wabash river with the navigable waters of the Miami of Lake Erie.

An act to amend an act entitled an act respecting apprentices, approved January 7, 1818.

Mr. Boon, from the committee of claims, to whom was referred the petition of John Cain, made the following report thereon, viz.

The committee of claims to whom was referred the petition of John Cain, praying compensation for a blank book furnished for the use of the Quarter Master General's department, have had the same under consideration, and are of opinion, that he ought to be allowed \$8 00 for the same; and recommend the adoption of the following resolution:

Resolved, That the committee of ways and means be and they are hereby instructed, to allow to John

Cain the sum of \$8 00, in the specific appropriation bill.

The above report was read and concurred in by the house.

Mr. Boon, from the same committee to whom was referred the petition of Noah Leverton, made the following report thereon, viz.

The committee of claims to whom was referred the petition of Noah Leverton, have had the same under consideration, and have instructed me to report, that they have examined the work done by the petitioner, in the office of the Secretary of State, and are of opinion that the same is worth \$20; they therefore recommend the adoption of the following resolution:

Resolved, That the committee of ways and means be, and they are hereby instructed, to make an allowance of twenty dollars, to Noah Leverton, in the specific appropriation bill.

The above report was read and concurred in by the house.

Mr. Marshall, from the joint committee for enrolled bills, made the following report, to wit:

The joint committee on enrolled bills, did on this day, present to his Excellency, the Governor, for his approval and signature, the following enrolled bills, entitled acts, to wit:

An act to amend an act entitled "an act for the benefit of persons who have or are likely to suffer by the destruction of the records of Dearborn county, which were consumed by fire, in the court house at Lawrenceburgh, on the morning of the 6th of March, 1826," approved January 11th, 1827.

An act for the formation of the county of Carroll.

An act authorising the leasing of Royse's Lick and Rock Lick reserves in the county of Washington.

Mr. Veatch from the select committee to whom

was referred, the petition of John C. Brown, praying to be divorced from his wife Polly, late Polly Jackson, reported a bill in pursuance of the prayer of the petitioner, which was read the first time and passed to a second reading on Monday next.

Mr. Huntington, from the select committee to whom was recommitted the bill to ascertain the value of taxable property, made the following report, viz.

The select committee, to whom was committed the bill for ascertaining the value of taxable property, have had the same under consideration, and from the fullest investigation they have been able to give the subject, beg leave to report:—That, in their opinion, a change in the present mode of taxation is necessary and expedient.

That the present mode is unequal, unjust and inefficient: That an advalorem system would be more equal, just and beneficial in its result.

Although your committee do not consider themselves bound by the reference of this particular bill to make a complete report of the subject in detail, yet they cannot forbear making some general remarks in support of the proposition they have assumed.

The principal item of taxation, at present, and perhaps at all times the most important, is land; but while it is only rated according to its relative quality of soil, the most industrious and laboring class of community have the heaviest burthen of taxation, and the capitalist and speculator are nearly exempt; but were this the only subject of taxation, it is evident that the wisdom and ingenuity of all former legislatures has been baffled by the numerous and grievous impositions practised by listers. As an evidence of the inequality and injustice incident to the present mode, we refer to the aggregate amount of lands and their respective

qualities listed in 1824 and 1827, leaving out two or three counties which made no return of lands.

In 1824, 1st Rate land,	206,748 acres.
“ 2d do.	1,472,428
“ 3d do.	1,005,137

In all,	2,684,313
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Number of Polls for that year,	33,944
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In 1827, 1st Rate land,	192,025 acres.
“ 2d “	1,408,065
“ 3d “	1,852,181

In all,	3,452,271
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Number of Polls for that year,	40,639
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Making an increase of land, taxed since 1824, of seven hundred sixty-seven thousand nine hundred and fifty eight acres, and decrease in first rate of fourteen thousand seven hundred and twenty-three acres, and an increase of polls, notwithstanding the exemption of all over sixty years of age, of six thousand six hundred and ninety-five.

It will be further observed, that some few counties return a large proportion of first rate land, while others more wealthy and populous, and possessing, it is believed, a larger proportion of first rate land, return none, or very little, of first rate; and a large quantity third rate. Your committee believe, that one third of all the land, taxed within the state, under the present mode, ought in justice to be returned first rate. Trusting that they have already shewn satisfactorily, some few of the many defects of the present mode, your committee will offer a few remarks in favor of the one proposed.

Your committee are apprised, that a measure so important as this, should be well received by the

people, in order to render it most beneficial; and that some difficulty may be apprehended, in combating honest prejudices. Long habits will render persons sometimes content, under heavy burthens. As it is proposed in the present bill to *list and value* many articles now not the subjects of taxation, such as improvements generally, merchandize, &c. the motives of the legislature ought to be explained, and when once understood, we apprehend there will be no well founded objection to the present bill. The object of the bill under consideration is not absolutely to subject *all* the property therein named to taxation, but to develope the resources of the state; to ascertain what are the equitable subjects of taxation. But nevertheless, your committee are satisfied, that either a general or limited *ad valorem* will be far preferable to the present system; and the adoption of either will depend altogether upon the wisdom of a future legislature. If it be objected that non-residents will contribute less to the support of government under the proposed plan, let us observe, that their lands are generally well chosen and valuable, and consequently will pay as much as justice, equity or policy could require of them, and perhaps as much as they now do.

But one of the leading arguments in favor of the proposed plan, is its simplicity; after it shall be once understood and adopted. A full view of the resources of the state can be taken at a single glance, and the fiscal demands of any year, either for state or county purposes, may, as it were, be answered by a simple calculation. And we believe, hundreds of dollars will be annually saved in legislation. If this were a new theory, your committee might have doubts of its result, but its efficiency has been fairly tested in our neighboring states, and under circumstances similar to our own. And hence we can, without hesitation or doubt, recommend

the present amended shape as we have prepared it; and whatever may be the result, no evil consequences can, as we believe, grow out of its passage.— But, on the contrary, it will produce a general investigation of the subject amongst the people, and a future legislature will be better prepared to act upon, or abandon the system altogether.

Mr. Huntington also reported the bill to ascertain the value of taxable property, with an amendment; which amendment was twice read, and on the question to agree thereto, the same was decided in the negative; And,

On motion of Mr. Elliott,

Said bill was laid on the table.

Mr. Boon, from the joint committee of free conference, heretofore appointed to take into consideration the disagreeing votes of the two houses, on the bill relative to the records of Knox county, which were consumed by fire in 1814, made the following report, viz.

Your committee of free conference, appointed on the part of the House of Representatives, to act with a similar committee, appointed on the part of the Senate, on the subject matter of disagreement between the two houses, on the amendment made by the Senate, to the bill from the house, to revive an act entitled an act for the relief of such persons as have suffered, or may hereafter suffer, by the destruction of the records of the county of Knox, which were consumed by fire at Vincennes, in the year 1814, passed 7th September, 1814, have discharged that duty, and report—that the said committee have agreed that the House of Representatives shall recede from their objections to the amendment made by the Senate to said bill.

The above report was read and concurred in by the house.

Ordered, That the clerk inform the senate thereof.

Mr. Huntington, after having obtained leave, presented a bill to divorce Sarah Pettingill, late Sarah Marcle, from her husband James Pettengill, which was read the first time, and passed to a second reading on Monday next.

Mr. Levenworth moved to take up the joint resolution on the subject of extinguishing Indian title to lands in the state of Indiana.

And then the house adjourned until Monday morning 9 o'clock.

MONDAY MORNING, JANUARY 7, 1828.

The House met pursuant to adjournment.

Mr. Clendenin, from the committee of ways and means, reported a bill making general appropriations for the year 1828; which was read the first time and ordered to a second reading to-morrow.

Mr. Howk, from the committee on education, to whom was referred, a resolution of this house, directing them to ascertain, and report to this house, the amount of interest received from the state Seminary fund, &c. reported, that they have received of David H. Maxwell, one of the trustees of said Seminary; and also, of Samuel Merrill, treasurer of state, the following reports, or statements, numbered 1 and 2, which they lay before the house, and ask to be discharged from the further consideration of said subject.

The above report was read, and said committee discharged from the further consideration of said subject.

REPORT NO. 1.

*The Hon. Chairman of the Committee on Education
in the House of Representatives.*

SIR,—Having understood that a Resolution of your House has made it, the duty of the committee of which you are chairman to enquire what amount of salary has been allowed by the trustees of the state Seminary to the teachers thereof; and further, what the different students have been taught, &c. &c. I beg leave for the satisfaction of your committee to state the following facts. The Seminary has now been in existence for three years and an half, and the present session which will end against the first of May next, will complete four years. During the first three years one teacher only was employed by the trustees, and the Greek and Latin languages alone were taught during that time. The teacher received a salary of \$250, per year for the first, second, and half of the third year—since which time the board of trustees have allowed the teacher of languages at the rate of \$400 a year—one third at least of the salary paid to the teacher of languages has been expended by him in the purchase of books, which were indispensable to enable him to do justice to his classes, and which books as a reference library is the only one to which the students can have access. During the time the teacher of languages received \$250 per year he received also the amount of \$150 in articles of trade from a congregation to which he occasionally preached; but the trustees requiring of him to devote his whole time, and attention to the Seminary, have since allowed \$400 as aforesaid, and this is his only support for himself and family. At the beginning of the present year, the trustees connected with the institution an English scientific department, and al-

lowed the teacher for the first session, at the rate of \$250 per year; but in consequence of the rapidly increasing duties of this teacher, and by, and with the recommendation, and advice of the board of Visitors at their late meeting, the trustees fixed the salaries of the teachers at \$400 each.

In the English scientific department there was taught last session, English Grammar, Euclids' elements of Geometry, Geography, and Algebra. The first year there were 13 students learning the Greek and Latin languages.

2d year	15	do.	do.
3d year	21		

First session of present year 26 students, nine of whom studied Mathematical science only, the balance recited to both teachers.—On the 1st Monday of last month (being the commencement of the present session) about 40 students, the whole of whom are studying the languages, and Mathematics.

Respectfully,

D. H. MAXWELL,

One of the trustees of the state Seminary.
Hon. J. Howk.

P. S. There is a probability of there being 50 or 60 students during the present session of the Seminary. This increase is owing to the prospect of the Seminary obtaining Collegiate powers.

January 2, 1828.

N. B. If it be asked why there has not been more students at the Seminary, the answer is plain. Because young men who wish to obtain a liberal education will not commence at an institution where they cannot graduate. Seven or eight young men from Indiana are now at Oxford, Ohio, who before going, called at the Seminary at Bloomington, but finding every thing involved in uncertainty, left our own state to obtain an education in another.

The present teachers are unquestionably men of

first rate qualifications for their respective departments in the Seminary, and have both been offered much higher salaries in Ohio and Tennessee than they receive in Indiana. Would it be good policy to place ineffectual teachers at the head of our state College because they could be obtained for less than others of superior character and learning?

REPORT No. 2.

The whole amount of interest that has accrued on the seminary money in the treasury since the 18th Dec. 1823, at which time it was ordered to be considered a part of the loan, is \$489 24—of this sum \$387 81 has been paid on the order of the president of the trustees of the seminary at Bloomington, for the use of the teachers. \$129 00 has been paid by the superintendant of Gibson township for rents. The amount received by the commissioner of the township in Monroe for interest, in advance, on the sums unpaid by the purchasers, at the late sale, was \$970 38, from which deducting his commission, \$950 98 has been paid into the treasury.

S. MERRILL, Treasurer.

J. Howk, Esq.

Mr. Howk, from the same committee to whom was referred a resolution of this house on that subject, made the following report, viz.

The committee on education have had under their consideration, a resolution of this house, directing them to enquire into the expediency of repealing so much of the law, incorporating congressional townships and providing for public schools therein, as authorises a tax to be levied for the support of schools, and deem it inexpedient to legislate on that subject, and therefore pray to be discharged from the further consideration thereof; which report was read and agreed to by the house, and the committee

were discharged from the further consideration thereof.

Mr. Howk, from the same committee, also made the following report, viz.

The committee on education have had under their consideration, a resolution of this house, instructing them to enquire into the expediency of memorializing congress on the subject of donating to the state of Indiana, one township of land for the benefit of a seminary of learning to be established at or near Indianapolis, and not being apprised of any just cause for such memorial, they deem it inexpedient so to do, and therefore pray to be discharged from the further consideration thereof; which report was read and concurred in by the house.

Mr. Pabody, from the select committee to whom was referred the petitions of James Stott and others of Jennings county, and William Hawkins and others, of Shelby county, reported a bill to establish a state road from Shelbyville to intersect the Madison state road in the county of Jennings, which was read the first time and passed to a second reading to-morrow.

Mr. Kinnard from the select committee to whom was referred a resolution of this house, on the subject of extending the Michigan road, through the Cumberland Gap in Tennessee, to the city of Charleston in South Carolina, reported a joint resolution on that subject, which was read the first time and passed to a second reading to-morrow.

Mr. Kinnard from the select committee, to whom was referred the petition of Jeremiah J. Corbley and others, made the following report thereon, to-wit:

The select committee to whom was referred the petition of Jeremiah James Corbley and others, praying an exemption from ferriage in certain cases

have instructed me to report, that it would be inexpedient to grant the prayer of said petitioners.

Which report was read and concurred in by the house.

Mr. Kinnard presented the following resolution, to wit:

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of repealing the British statutes in force in this state and not printed in our statute book.

Mr. Judah moved to amend said resolution by striking the same out from the word "of," in the third line, and inserting the following in lieu thereof:

"Reducing so much of the common law and its appendages, including the British statutes and the decisions of the chancery courts as is now in force this state to a written text, to be arranged in systematic manner, under proper divisions and sub-divisions, and to be expressed in the plainest but most exact language; which was agreed to by Mr. Kinnard, and accepted as a part of his resolution.

Mr. Read of D. & M. then moved to lay said resolution, as amended, on the table; which motion was decided in the negative.

Mr. Pabody moved to postpone the further consideration of said resolution until the first Monday in December next.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Beard, Bassett, Brown, Campbell, Marshall, Matlock, M'Kinney, Pabody, Read of D. and M., Stapp, Work and Worth—12.

And those who voted in the negative are,

Messrs. Adams, Allen, Annable, Blair, Boon, Claypool, Clendenin, Craig, Decoursey, De Pauw, Elli-

ott, Graham, Hendricks. Howk, Huntington, Irwin, Jackson, Johnson of P., Johnston of V. & W., Jones, Judah, Kinnard, Lemon, Levenworth. Lewis, Little, Lomax, Long, M'Clure, M'Pheeters, Newell, Percy, Pollock, Reid of F., Roberts, Slaughter, Spann, Steele, Stevens, Veatch, Wallace, Watts, Wilson and Moore, Speaker—44.

And so said motion was decided in the negative.

The question being then put, Shall said resolution be adopted by the house? which reads in the words following:

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of reducing so much of the common law and its appendages, including the British statutes and the decisions of the chancery courts as now are in force in this state, to a written text, to be arranged in a systematic manner, under proper divisions and subdivisions, and to be expressed in the plainest but most exact language.

The same was carried in the affirmative.

Mr. Adams presented, for the consideration of the house, the following resolution, viz.

Resolved, That the judiciary committee be instructed to enquire and report to this house what amendments, if any, are necessary to the act entitled, an act authorizing the writ of replevin, approved Dec. 24, 1821.

And on the question being put, shall said resolution be adopted by the house? it was decided in the negative.

Mr. Annable presented the following resolution, viz.

Resolved, That the committee of ways and means be instructed to enquire into the expediency of licensing travelling pedlars in this state, with leave to report by bill or otherwise.

Mr. Huntington moved to amend said resolution,

so as to except "*clock pedlars*," which motion was decided in the negative.

And on the question being put, Will the house adopt said resolution? the same was decided in the negative.

Mr. Hawk moved to take up the engrossed bill to establish a college in the state of Indiana; which motion was carried in the affirmative.

The said bill having heretofore been read the third time, and the question being now put, Shall said bill pass? the same was carried in the affirmative.

Ordered, That the same be entitled 'an act,' and that the Clerk carry the same to the Senate, and ask their concurrence therein.

Mr. Claypool, after having obtained leave, presented a bill legalizing certain proceedings of the associate judges, whilst acting as a Court of Probate; which was read the first time and passed to a second reading to-morrow.

Mr. Wilson, after having obtained leave, presented a bill respecting called sessions of the Circuit Court in the fourth judicial circuit; which was read the first time and passed to a second reading to-morrow.

Mr. Annable, after having obtained leave, presented a bill to authorize the inhabitants of townships to become incorporated; which was read the first time and passed to a second reading to-morrow.

On motion of Mr. Marshall,

The house took up and proceeded to consider the bill to ascertain the value of taxable property.

Mr. Lemon moved to reconsider the vote, taken on Saturday last, disagreeing to the amendment proposed by the select committee to said bill; which motion was carried in the affirmative.

The question then recurring on concurring in the amendment made by the select committee to said bill; which was by striking the same out from its

enacting clause, which reads in the words following, viz.

WHEREAS it is deemed expedient, that the legislature should be possessed of a true return, of the value of the real and personal property in this state, in order that a change may hereafter be effected, in the present system of taxation: Therefore,

Sec. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the assessors who may be appointed to list and assess taxable property for the year 1828, in the several townships or districts of the state, are hereby authorised and required, according to the mode in similar cases prescribed by the act for assessing and collecting the revenue, approved January the 30th, 1824, and the act to amend the same, approved the 12th of February, 1825, to ascertain, and set down in their respective assessment rolls, the value of all tracts of land and town lots, subject to taxation, with the improvements thereon, held or owned by patent, deed, certificate, or otherwise, and also the value of all personal property, owned or possessed by any person or persons whatever, situate and being in the respective districts or townships of such assessor, whether the owners or any of them, are or are not residents of the state.

Sec. 2. The assessed value of the property, both real and personal, so ascertained and set down as aforesaid, shall be examined, corrected, and returned to the clerks of the respective counties and by them forwarded to the auditor of public accounts, according to the mode prescribed in similar cases, by the act and the amendment thereto, above mentioned. And the auditor shall report the same to the General Assembly, during the first week of their next annual meeting.

Sec. 3. A non-performance of any of the duties by this act prescribed to the aforesaid assessors,

shall be as much a breach of the condition of their bonds, and a violation of their oaths, as the non-performance of any other of their duties, prescribed by any other law.

Sec. 4. It shall be the duty of the courts doing county business in each county wherein the lister of such county shall have been appointed before the reception of this act, at their first meeting thereafter, to appoint some fit person or persons to perform the duty aforesaid. This act to be in force from and after its publication in the Indianapolis Gazette.

And inserting the following in lieu thereof, viz.

That the assessors who may be appointed to list and assess taxable property for the year 1828, in the several townships, or districts of the state, are hereby authorised and required, according to the mode in similar cases, prescribed by the act for assessing and collecting the revenue, approved, January the 30th, 1824, and the act to amend the same, approved February 12th, 1825, to ascertain and set down in their respective assessment rolls, the value of all tracts of land and town lots, subject to taxation, with the improvements thereon, held or owned by patent, deed, certificate or otherwise; and also, the value of all the following personal property, owned or possessed by any person or persons, whatever, situate and being in the respective townships or districts of such assessors, whether the owners, or any of them, are or are not residents of the state, namely: gold, silver, or composition watches, wood and brass clocks, and time pieces, all animals of the horse, mule or ass kind, over the age of three years; all oxen, steers, stags, and bulls, over the age of three years; all pleasure carriages, and harness, in common use; all money at interest on loan and bank stock; all merchandise in the possession of wholesale or retail merchants, the amount to be ascertained by their invoice of purchase and the amount

and value of foreign and domestic articles, separately set down, all articles of household furniture (beds & bedding excepted) the value of which shall exceed ten dollars each article.

Sec. 2. All dwelling houses, stores, and store houses, and other buildings, grist and saw mills of every discription, with their machinerv; distilleries of every discription with their apparatus, and all other buildings, the value of which shall exceed two hundred dollars, to be valued and set down separately, and not included in the general valuation of lands and town lots, with their improvements as provided in the first section of this act.

Sec. 3. That the value of town lots, with their improvements, shall be estimated, according to their respective situation and relative value to other lots and their improvements in the same town. That lands with their improvements shall be valued according to the quality of soil, contiguity to towns, navigable waters, and relative local situation.

Sec. 4. That it shall be the duty of said lister to require of all persons, a list and the value of their respective property, which he is hereby required to list and value, and if the said lister shall have any doubts as to the correctness of the said list and valuation, he is hereby authorised and it is hereby made his duty to administer to any person or persons, an oath truly to answer such questions as he may be asked, touching the various articles which such person or persons may possess, liable to be listed, and the value thereof; and also, as to the amount and value of the property, of any other person or persons, liable to be listed and taxed.

Sec. 5. The list and valuation of all property, required to be listed and valued by this act, shall be such property as shall be or may have been owned or possessed by the person or persons whose prop-

erty is thus liable to be listed, on the 10th day of February, 1828.

Sec. 6. The assessed value of the property, both real and personal, so ascertained and set down as aforesaid, shall be examined, corrected and returned to the clerks of the respective counties, and by them forwarded to the auditor of public accounts, according to the mode prescribed in similar cases, by the act and the amendment thereto, above mentioned, and the auditor shall report the same to the General Assembly, during the first week of their next annual meeting.

Sec. 7. A non performance of any of the duties by this act prescribed to the aforesaid assessors, shall be as much a breach of the condition of their bonds, and a violation of their oaths, as the non performance of any of their duties prescribed by any other law.

This act to be in force from and after its publication in the Indianapolis Gazette.

And the ayes and noes being required by two members, on the question to agree to said amendment, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Adams, Allen, Annable, Beard, Bassett, Boon, Claypool, Craig, Hendricks, Huntington, Jackson, Johnson of P., Johnston of V. and W., Judah, Kinnard, Little, Long, Marshall, Matlock, M'Clure, Pahody, Percy, Roberts, Stapp, Stevens Wallace, Watts, Wilson and Worth—29.

And those who voted in the negative are,

Messrs. Blair, Brown, Campbell, Clendenin, Decoursey, De Pauw, Elliott, Graham, Howk, Irwin, Jones, Lemon, Levenworth, Lewis, Lomax, M'Kinney, M'Pheeters, Newell, Pollock, Read of D. and M., Reid of F., Slaughter, Spann, Steele, Veatch, Work and Moore, Speaker—27.

And so said amendment was agreed to by the house.

Mr. Elliott moved to postpone the further consideration of said bill indefinitely.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Blair, Brown, Campbell, Clendenin, Decoursey, De Pauw, Elliott, Howk, Irwin, Jones, Judah, Lemon, Lewis, Lomax, M'Clure, M'Kinney, M'Pheeters, Newell, Pollock, Reid of F., Slaughter, Spann, Stapp, Steele, Veatch, Work and Moore, Speaker—27.

And those who voted in the negative are,

Messrs. Adams, Allen, Annable, Beard, Bassett, Boon, Claypool, Craig, Graham, Hendricks, Huntington, Jackson, Johnson of P., Johnston of V. and W., Kinnard, Levenworth, Little, Long, Marshall, Matlock, Pabody, Percy, Read of D. & M., Roberts, Stevens, Wallace, Watts, Wilson and Worth,—29.

And so said motion was decided in the negative.

On motion of Mr. Little,

Said bill was recommitted to a committee of the whole house to-morrow.

Mr. Adams, after having obtained leave, presented a bill to amend an act entitled an act authorising the writ of replevin, approved January 24, 1821.

Which was read the first time and passed to a second reading to-morrow.

And then the House adjourned until 2 o'clock P. M.

2 o'clock, P. M.

The house met pursuant to adjournment.

The following message was received from the Senate, by Mr. Farnham, their assistant secretary, announcing that the Senate have concurred in the report of the committee of free conference on the subject matter of disagreement between the two houses, on the amendment made by the senate, to the bill from the house of representatives, entitled an act to revive an act, entitled an act for the relief of such persons as have suffered or may hereafter suffer by the destruction of the records of Knox county, which were consumed by fire at Vincennes, in the year 1814, passed 7th September, 1814.

They have adopted the following resolution, viz.

Resolved, That the senate will meet the house of representatives in the representatives' hall, on Monday the 14th inst. for the purpose of electing, by joint ballot, three commissioners, in pursuance of an act passed at this session of the general assembly, to establish a canal to connect the navigable waters of the Wabash river with the navigable waters of the Miami of Lake Erie; that the house of representatives be informed of the adoption of this resolution and a similar one on their part requested.

They concur in the amendment made by the house of representatives to the 6th amendment of the senate, to the engrossed bill of the house of representatives, entitled an act to amend an act relative to crimes and punishments, but insist on the 1st amendment made to said bill.

Mr. Matlock moved that the house insist on their disagreement to the first amendment made by the senate to the engrossed bill of this house, entitled, an act to amend the act relative to crimes and punishments: which amendment was, by adding, as an additional punishment to those guilty of petit lar-

ceny, the words following: "To which the jury may, in their discretion, add any number of stripes not exceeding thirty-nine."

And the ayes and noes being required on said motion, by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Adams, Allen, Annable, Beard, Bassett, Blair, Brown, Claypool, Decoursey, Elliott, Hendricks, Huntington, Johnston of V. and W. Jones, Judah, Kinnard, Lemon, Levenworth, Lewis, Marshall, Matlock, M'Kinney, M'Pheeters, Pabody, Pollock, Read of D. and M. Roberts, Spann, Stapp, Steele, Stevens, Wallace, Watts, Work, and Worth—35.

And those who voted in the negative are,

Messrs. Boon, Craig, De Pauw, Irwin, Jackson, Johnson of P. Little, Lomax, Long, M'Clure, Newell, Percy, Reid of F. Slaughter, Smiley, Veatch, Wilson and Moore, Speaker—18.

And so the house insist on their disagreement to said amendment.

Ordered, That the clerk inform the senate thereof.

The following message was received from the senate, by Mr. Farnham their assistant secretary, announcing, that the senate have passed an engrossed bill of the house of representatives, entitled an act to incorporate the town of Corydon, in Harrison county, without amendment.—Also,

An engrossed bill, entitled an act directing the mode of suing out and prosecuting writs of Habeas Corpus, with an amendment.—Also,

An original bill, entitled an act attaching a certain territory to the counties therein named, in which last mentioned bill and the amendment to the pre-

ceeding the concurrence of the house of representatives is requested.

Mr. Stapp moved that the house agree to the amendment made by the senate to the bill of this house directing the mode of suing out and prosecuting writs of habeas corpus, with an amendment, by inserting after the word "aggrieved" in the last section, the words "not exceeding \$50."

Which motion was carried in the affirmative.

Ordered, That the clerk carry the same to the senate and ask their concurrence in said amendment.

The other bill reported in said message was read the first time and passed to a second reading to-morrow.

The house resumed the consideration of the motion of Mr. Levenworth made on Saturday last, to take up the engrossed joint resolution relative to extinguishing the Indian title to lands in the state of Indiana; which motion was carried in the affirmative.

Mr. Matlock moved to recommit said joint resolution to a committee of the whole house to-morrow.

Which motion was decided in the negative.

Said joint resolution having heretofore been read the third time, the question was then put, Shall said joint resolution pass? And the same was decided in the negative.

And so said joint resolution was lost.

The following message was received from the Governor, by John N. Wick:

I am instructed by His Excellency the Governor, to inform this house, that, on this day, January 7, the following acts have received his signature and approbation:

An act authorising the leasing of Royse's lick and Rock lick reserve, in the county of Washington:

An act for the formation of the county of Carroll;

An act to amend an act entitled an act for the benefit of persons who have or are likely to suffer by the destruction of the records of Dearborn county, which were consumed by fire in the court house at Lawrenceburgh, on the morning of the 6th of March, 1826, approved January 11, 1827, all of which originated in this house.

The house took up and proceeded to consider the orders of the day.

The bill to amend the act concerning the auditor of public accounts and treasurer of state;

The bill supplemental to an act entitled an act to establish a board of trustees for the promotion of schools and education in Clark's grant;

The bill to divorce Sarah Pettengill from her husband James Pettengill;

The bill to amend the act entitled an act to incorporate the town of Charlestown: And

The memorial and joint resolution on the subject of the national road, were severally read the second time, and ordered to be engrossed and read the third time to-morrow.

The bill to dissolve the banns of matrimony between John C. Brown and Polly his wife, was read the second time; when,

Mr. Worth moved to postpone the further consideration thereof indefinitely, which motion was decided in the negative.

Said bill was then ordered to be engrossed and read the third time to-morrow.

The engrossed bill, from the senate, entitled an act attaching a part of the county of Morgan to the county of Johnson, was read the second time; when

Mr. Matlock moved to postpone the further consideration thereof indefinitely, which motion was carried in the affirmative.

The joint resolution allowing a premium to any

person discovering the cause of the milk sickness, was read the second time; when

Mr. Matlock moved to postpone the further consideration thereof indefinitely, which motion was carried in the affirmative.

The joint resolution respecting the agency at Indianapolis, was read the second time.

Mr. Read of D. & M. moved to amend the same by inserting after the word "the" the words "14th inst." which motion was carried in the affirmative.

The rules of the house were then dispensed with, said joint resolution was ordered to be considered as engrossed, read the third time and passed.

Ordered, That the Clerk carry the same to the Senate and ask their concurrence therein.

The bill for the relief of the collector of Wayne county was read the second time, and committed to the same committee, of the whole house, to whom was committed the bill for the relief of John Spencer, collector of Dearborn county.

The engrossed bill, from the senate, entitled an act to amend the act to establish county seminaries, in the several counties therein named, approved January 26th, 1827.

The engrossed bill, from the senate, entitled an act to amend the several acts now in force for assessing and collecting the revenue: And

The engrossed joint resolution, from the senate, relative to a bridge over the Muscackituck, on the Mauk's ferry road, were severally read the second time and committed to a committee of the whole house to-morrow.

The joint resolution requesting our Senators and Representatives in Congress, to apply for a corps of Engineers to locate the Michigan road, was read the second time.

Mr. Jones then moved to postpone the further

consideration of said joint resolution indefinitely; which motion was carried in the affirmative.

The engrossed bill from the Senate, entitled "an act to authorize the qualified voters in this state, to vote for or against a convention, for the revision of the Constitution of this state, was read the first time and passed to a second reading to-morrow.

The engrossed joint resolution, from the Senate, relative to the western mail route, from Louisville Kentucky, to St. Louis, in Missouri, was read the third time and passed.

Ordered, That the clerk inform the senate thereof.

The engrossed bill to amend the act entitled an act regulating the jurisdiction and duties of Justices of the Peace, approved January 30th, 1824, was read the third time; and the question being put, Shall said bill pass?

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Adams, Allen, Beard, Bassett, Blair, Boon, Brown, Claypool, Clendenin, Decoursey, De Pauw, Elliott, Graham, Hendricks, Irwin, Jackson, Johnson of P., Johnston of V. & W., Jones, Judah, Kinnard, Lemon, Levenworth, Lewis, Little, Long, Matlock, M'Clure, M'Kinney, M'Pheeters, Newell, Pabody, Percy, Pollock, Read of D. and M., Reid of F., Roberts, Slaughter, Smiley, Spann, Stapp, Stevens, Veatch, Wallace, Watts, Wilson Work, Worth and Moore, Speaker—49.

And those who voted in the negative are,

Messrs. Annable, Craig, Howk, Huntington, Lomax, Marshall and Steele—8.

And so said bill passed.

The title of said bill was amended so as to read, a bill amendatory of the several acts regulating the duties and jurisdiction of justices of the peace.

Ordered, That the same be entitled 'an act,' and that the Clerk carry the same to the Senate, and ask their concurrence therein.

The following message was received from the Senate, by Mr. Dill their Secretary, announcing that the Senate have adopted the following resolution, viz.

Resolved, That the secretary of the senate be instructed to call on the house of representatives for the report of the surveyor general, relative to the survey of the line between the state of Indiana and the territory of Michigan.

And then the house adjourned until to-morrow morning nine o'clock.

TUESDAY MORNING, JANUARY 8, 1828.

The House met pursuant to adjournment.

On motion of Mr. Boon,

The several petitions which lie on the table on the subject of attaching a part of the county of Green to the county of Sullivan, were taken up and referred to a select committee of Messrs. Boon, Percy, Allen and Blair.

Mr. Clendenin, from the committee of ways and means, reported a bill to amend the several acts now in force for assessing and collecting the revenue, which was read the first time and passed to a second reading to-morrow.

Mr. Wilson presented the following preamble and resolution, viz.

Whereas a number of our fellow citizens have convened in this town for the purpose of expressing

their sentiments, and adopting measures in relation to the next presidential election, and several members of this house have been invited to act on this occasion: Therefore,

Resolved, That the use of this hall be tendered to such of our fellow-citizens as have designated this day to meet, in convention, and for this purpose this house will adjourn from 12 o'clock this day until to-morrow morning 9 o'clock,

Which being read.

Mr. Marshall moved to lay the same on the table, Which motion was carried in the affirmative.

Mr. Kinnard presented the following preamble and resolution, to wit:

Whereas the state of Indiana is the owner of much valuable property in the town of Indianapolis liable to be destroyed by fire: Therefore,

Resolved, That a select committee be appointed to enquire into the expediency of purchasing a fire engine, for the better preservation of said property, to be put under the controul of a fire company, so soon as one may be organized, in said town, and completely furnished with hooks, buckets and such other instruments as usually belong to such companies, at the expense of said company, on the condition that said company shall be bound, by law, to use every exertion to protect the public buildings from fire with said engine, having also the privilege of using the same in saving private property from that destructive element.

Mr. Graham moved to amend said resolution by striking out the words "a select committee be appointed," and insert in lieu thereof "the committee on the affairs of the town of Indianapolis be instructed."

Which motion was carried in the affirmative.

The resolution, as amended, was then adopted by the house.

Mr. Worth presented the following resolution, to wit:

Resolved, That the house of representatives will, on Monday the 14th inst. at the hour of ten of said day, proceed to elect three canal commissioners in pursuance of a law passed at the present session, and that the senate be informed of the adoption of this resolution.

Mr. Matlock moved to amend said resolution by striking out the words "Monday the 14th," and inserting the words "Thursday the 10th" in lieu thereof.

Which motion was decided in the negative.

The said resolution was then adopted by the house.

Ordered, That the clerk inform the senate thereof.

Mr. Read of D. and M. moved to take up the joint resolution on the subject of the eminent domain and right of soil to the unappropriated lands within the state of Indiana.

Which motion was carried in the affirmative.

Mr. Levenworth then moved to commit said joint resolution to a committee of the whole house to-morrow—Monday next was also named, which were both negatived.

Mr. Howk then moved to lay the same on the table again, which motion was also decided in the negative.

Mr. Bassett then moved to postpone the further consideration of said joint resolution indefinitely.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Allen, Annable, Beard, Bassett, Brown, Campbell, Craig, Decoursey, Graham, Howk, Huntington, Johnson of P. Judah, Lewis, Little, Mar-

shall, Matlock, M'Clure, M'Kinney, M'Pheeters, Pabody, Reid of F., Slaughter, Stevens, Watts, Wilson, Work and Moore, Speaker—28.

And those who voted in the negative are,

Messrs Adams, Blair, Boon, Claypool, Clendenin, De Pauw, Elliott, Hendricks, Irwin, Jackson, Johnston of V. and W. Jones, Kinnard, Lemon, Levenworth, Lomax, Long, Newell, Percy, Pollock, Read of D. & M. Roberts, Smiley, Spann, Stapp, Steele, Veatch, Wallace and Worth,—29.

And so said motion was decided in the negative.

Mr. Hendricks then moved to postpone the further consideration of said joint resolution until the first Monday in December next.

Which motion was also decided in the negative.

Mr. Stapp moved to commit said joint resolution to a committee of the whole house, and make it the order of the day for Thursday next.

Which motion was decided in the negative.

The question being then put, Shall said joint resolution be engrossed and read a third time to-morrow?

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Adams, Annable, Blair, Boon, Claypool, Clendenin, Elliott, Hendricks, Irwin, Jackson, Johnston of V. and W., Jones, Kinnard, Levenworth, Lomax, Long, Newell, Percy, Read of D. and M., Roberts, Smiley, Spann, Stapp, Steele, Veatch, Wallace and Worth—27.

And those who voted in the negative are,

Messrs. Allen, Beard, Bassett, Brown, Campbell, Craig, Decoursey, De Pauw, Graham, Howk, Hunt,

ington, Johnson of P. Judah, Lemon, Lewis, Little, Marshall, Matlock, M'Clure, M'Kinney, M'Pheeters, Pabody, Pollock, Reid of F., Slaughter, Stevens, Watts, Wilson, Work and Moore, Speaker—30.

And so said joint resolution was lost.

The house took up and proceeded to consider the orders of the day.

The bill making general appropriations for the year 1828; And

The bill to establish a state road from Shelbyville to intersect the Madison state road in Jennings county, were read the first time and ordered to be engrossed and read a third time to-morrow.

The joint resolution relative to the extension of the Michigan road was read the second time; And

On motion of Mr. Graham,

The further consideration thereof was indefinitely postponed.

The bill to legalize certain proceedings of the associate judges, when acting as a court of probate, and for other purposes, was read the second time and committed to a committee of the whole house to-morrow.

And then the house adjourned until three o'clock P. M.

3 o'clock, P. M.

The house met pursuant to adjournment.

The house took up and proceeded to consider the orders of the day.

The bill to revive the act entitled an act authorizing called sessions of the Circuit Court, so far as relates to the fourth Judicial Circuit; And

The bill to amend the act entitled "an act authorizing the writ of replevin," approved, December 24, 1821, were severally read the second time, and or-

dered to be engrossed and read the third time to-morrow.

The bill to authorize the inhabitants of townships to become incorporated, was read the second time and committed to a committee of the whole house to-morrow.

The engrossed bill from the Senate entitled "an act attaching a certain territory to the counties therein named; And

The engrossed bill from the Senate entitled "an act authorizing the qualified voters of this state to vote for or against a convention for a revision of the Constitution of this state," were read the third time and passed.

Ordered, That the Clerk inform the Senate thereof.

The engrossed bill from the Senate entitled "an act to amend the act to regulate the militia of the state of Indiana, approved, January 20, 1824," was read the third time as amended.

Mr. Lemon moved to recommit said bill to a committee of the whole house, and make it the order of the day for to-morrow; which motion was decided in the negative.

And the question being then put, Shall said bill pass as amended?

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Annable, Beard, Bassett, Boon, Brown, Decoursey, Elliott, Hendricks, Jackson, Johnson of P. Johnston of V. and W. Jones, Judah, Levenworth, Lewis, Little, Lomax, Long, Matlock, McClure, McPheeters, Newell, Pahody, Pollock, Roberts, Slaughter, Smiley, Spann, Stapp, Steele, Watts and Worth—32.

And those who voted in the negative are,

Messrs. Adams, Blair, Campbell, Claypool, Clendenin, Craig, De Pauw, Graham, Hawk, Huntington, Irwin, Kinnard, Lemon, Marshall, M'Kinney, Percy, Read of D. and M. Reid of F. Wallace, Wilson, Work, and Moore, Speaker—22.

And so said bill passed.

Ordered, That the Clerk carry the same to the senate and ask their concurrence in said amendment.

Mr. Worth from the joint committee for enrolled bills, made the following report, to wit:

The joint committee for enrolled bills, have compared the enrolled with the engrossed bills of the following titles, to wit:

An act for the benefit of the devisees of Thomas Watts, deceased;

An act authorising the board of justices of Wayne county to sell a part of the public square in the town of Centreville; And

An act to revive an act entitled "an act for the relief of such persons as have suffered, or may hereafter suffer, by the destruction of the records of the county of Knox, which were consumed by fire at Vincennes, in the year 1814; and find the same truly enrolled.

When the speaker signed the said bills.

Ordered, That the clerk carry the same to the Senate for the signature of their president.

The engrossed bill, supplementary to an act, entitled "an act providing for the incorporation of towns," approved January 30th, 1824, and in aid of the trustees and corporation of the town of New-Albany;

The engrossed bill to amend the act entitled "an act to incorporate the town of Charlestown;"

The engrossed bill, to amend the act, concerning the Auditor of Public Accounts and Treasurer of State; And

The engrossed bill, supplemental to an act, entitled an act to establish a board of trustees for the promotion of schools and education in Clark's Grant, were severally read the third time and passed.

Ordered, That the same be entitled "acts," and that the Clerk carry the same to the Senate, and ask their concurrence therein.

The engrossed memorial and joint resolution, on the subject of the National Road, was read the third time and passed.

Ordered, That the Clerk carry the same to the Senate, and ask their concurrence therein.

The engrossed bill to dissolve the banns of matrimony between John C. Brown and Polly his wife, was, on the motion of Mr. Wilson, ordered to lie on the table.

The following message was received from the senate, by Mr. Farnham their assistant secretary, announcing, that the senate have adopted the following resolution, viz.

Resolved, That the Senate will meet the House of Representatives (they consenting thereto) in the Representatives' Hall, on Monday the 14th inst., for the purpose of electing an Agent of state, for the town of Indianapolis, for the term of three years from the 24th inst., that the House of Representatives be informed of the adoption of this resolution, and a similar one on their part requested.

The Senate have appointed Messrs. Rariden and Graham, a joint committee of free conference, on the disagreeing votes of the two houses, relative to an amendment made by the Senate, to the engrossed bill of the House of Representatives, entitled an act to amend an act entitled an act relative to crimes and punishments, and request the appointment of a similar committee on the part of the House of Representatives.

They concur in the amendment made by the

House of Representatives, to the amendment made by the Senate, to the engrossed bill of the House of Representatives, entitled an act directing the mode of suing out and prosecuting writs of habeas corpus.

They have passed the following bills, entitled acts, viz.

An act to provide for the relocation of the seat of justice of Martin county, and extending the boundaries thereof.

An act for the benefit of Henry Markle; and a

Joint resolution of the General Assembly; in which acts and joint resolution, the concurrence of the house of representatives is requested.

The said engrossed bills and joint resolution from the senate were read the first time and passed to a second reading to-morrow.

On motion of Mr. Bassett,

Resolved, That a committee of free conference be appointed, on the part of this house, to act with a similar committee appointed on the part of the senate to take into consideration the disagreeing votes of the two houses, on the engrossed bill of this house, entitled an act to amend an act relative to crimes and punishments.

Ordered, That Messrs. Basset and Craig be that committee.

Ordered, That the clerk inform the senate thereof.

The engrossed bill to divorce Sarah Pettengill from her husband James Pettengill, was read the third time, and the question being put, Shall said bill pass?

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Adams, Annable, Beard, Boon, Brown, Glendenin, Craig, Decoursey, Hendricks, Hunting-

ron, Jackson, Johnson of P. Johnston of V. and W. Judah, Kinnard, Marshall, Matlock, M'Clure, M'Pheeters, Newell, Pabody, Pollock, Read of D. and M. Slaughter, Smiley, Spann, Stapp, Wilson, Work and Moore, Speaker—30.

And those who voted in the negative are,

Messrs. Bassett, Blair, Claypool, De Pauw, Elliott, Hawk, Irwin, Jones, Lemon, Levenworth, Lewis, Little, Lomax, Long, M'Kinney Percy, Reid of F. Roberts, Steele, Wallace, Watts and Worth—22.

And so said bill passed.

Ordered, That the same be entitled "an act," and that the clerk carry the same to the senate and ask their concurrence therein.

Mr. Worth, from the joint committee for enrolled bills, made the following report, viz.

The joint committee, for enrolled bills, have compared the following enrolled with the engrossed bill, entitled an act, to wit:

An act to amend an act entitled an act to establish a state library, approved, February 11th, 1825; also,

A joint resolution relative to the procuring of a complete set of the journals of congress and other public documents, and find them truly enrolled.

When the Speaker signed said bills.

Ordered, That the clerk carry the same to the senate for the signature of their president.

The house resolved itself into a committee of the whole, on the bill to amend the act, entitled an act to provide for the election of electors of President and Vice-President of the United States, and after some time spent therein, the speaker resumed the chair and Mr. Pabody reported the same with one amendment, which was read at the clerk's table and concurred in by the house.

Ordered, That said bill be engrossed, and read a third time to-morrow.

And then the house adjourned until to-morrow morning nine o'clock.

WEDNESDAY MORNING, JANUARY 9, 1828.

The House met pursuant to adjournment.

Mr. McClure presented a petition of Homer Johnson and others, of the borough of Vincennes, in Knox county, praying to be exempted from working on roads without the bounds of said borough, which was read and referred to a select committee of Messrs. McClure, Johnson of P. and Boon.

Mr. Stapp presented a petition of sundry citizens of the county of Jefferson, praying measures may be taken to counteract the emigration of free people of color to this state, which was read and referred to the judiciary committee.

Mr. Clendenin presented a petition of Joseph Johnson and William Hoggatt, of Orange county, praying a part of the town of Paoli may be vacated, which was read and referred to a select committee of Messrs. Clendenin, Wallace, Pabody and Pollock.

Mr. Stevens, from the judiciary committee to whom was referred a petition of G. W. Johnston, and also a resolution of this house, made the following report, to wit:

The committee on the judiciary to whom was committed a petition of General W. Johnston, praying that some official acts of his, as master in chancery, may be legalized; and also, a resolution of this house directing an enquiry into the expediency of compelling persons doing county business to provide the means necessary to discharge judgments which may be rendered against their respective

counties—and also, the petition of Jeremiah Styles and others, respecting wolf scalps; have had those several subjects under their consideration, and have directed me to report,

That as to the petition of General W. Johnston and the petition of Jeremiah Styles and others, above stated, it is not deemed expedient to grant the prayers of the petitioners, and therefore ask to be discharged from the further consideration of said petitions. And that as to the resolution above stated have directed me to report a bill.

The above report was read and concurred in by the house.

Mr. Stevens then reported a bill respecting county debts, which was read the first time and passed to a second reading to-morrow.

Mr. Boon, from the select committee to whom was referred the petitions of Elijah Veatch and others, John Benefill and others, and of John Terry and others, citizens of Green and Sullivan counties, praying part of the county of Green may be attached to the county of Sullivan, reported a bill in pursuance of the prayer of the petitioners, which was read the first time: Whereupon,

Mr. Adams moved to reject said bill.

Which motion was decided in the negative.

Said bill was then ordered to a second reading to-morrow.

Mr. Long from the select committee to whom was referred the petition of William Williams and others, of Hancock county, reported a bill to authorise the leasing of part of section 16, township No. 15, north of range No. 7, east, in Hancock county, which was read the first time and passed to a second reading to-morrow.

Mr. Lemon, after having obtained leave, presented a joint resolution of the general assembly, which

was read the first time and passed to a second reading to-morrow.

Mr. Graham, after having obtained leave, presented a bill amendatory of the act entitled an act for the relief of the poor, approved January 30, 1824, which was read the first time and passed to second reading to-morrow.

Mr. Stapp, after having obtained leave, presented a bill to incorporate the managers of the Madison and Indianapolis turnpike company, which was read the first time: When

Mr. Clendenin moved to reject said bill.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Bassett, Blair, Clendenin, Craig, Decoursey, De Pauw, Graham, Hendricks, Hawk, Jackson, Johnson of P. Judah, Lemon, Levenworth, Little, M'Pheeters, Pollock, Roberts, Wallace, Watts and Wilson—21.

And those who voted in the negative are,

Messrs. Annable, Beard, Boon, Brown, Campbell, Clavpool, Elliott, Huntington, Irwin, Johnston of V. & W., Jones, Kinnard, Lewis, Lomax, Long, Marshall, Matlock, M'Clure, M'Kinney, Newell, Pabody, Percy, Read of D. and M. Reid of F. Slaughter, Smiley, Spann, Stapp, Steele, Stevens, Veatch, Wilson, Worth and Moore, Speaker—34.

And so said motion was decided in the negative.

Said bill was then ordered to a second reading to-morrow.

On motion of Mr. Veatch,

The house took up the bill to dissolve the banns

of matrimony between John C. Brown and Polly his wife.

The said bill was then read the third time, and the question being put, Shall said bill pass?

And the ayes and noes being required thereon, by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Adams, Annable, Boon, Decoursey, Huntington Jackson, Johnson of P. Johnston of V. and W. Judah, Kinard, Levenworth, Marshall, Matlock, M'Clure, M'Pheeters Read of D. and M., Slaughter, Smiley, Spann, Stapp, Veatch, Watts, Wilson, Work & Moore Speaker—25.

And those who voted in the negative are,

Messrs. Beard, Bassett, Blair, Brown, Campbell, Claypool, Clendenin, Craig, De Pauw, Elliott, Graham, Hendricks, Howk, Irwin Jones, Lemon, Lewis, Little, Lomax, Long, M'Kinney, Newell, Pabody, Percy, Pollock, Roberts, Reid of F., Steele, Stevens, Wallace and Worth—31.

And so said bill was lost.

Mr. Stevens, after having obtained leave, presented a bill respecting a county seminary and the seminary funds of the county of Switzerland, which was read the first time and passed to a second reading to-morrow.

The house took up and proceeded to consider the orders of the day.

The bill to amend the several acts now in force relative to assessing and collecting the revenue, was read the second time, and committed to the same committee of the whole house to whom was committed the engrossed bill from the senate of the same title.

The engrossed bill, from the senate, entitled an act to provide for the relocation of the county seat

of Martin county and extending the boundaries thereof, was read the second time, and

On motion of Mr. Read of D. and M.

The same was ordered to lie on the table.

The engrossed bill, from the senate, entitled an act for the benefit of Henry Markle, was read the second time and ordered to a third reading to-morrow.

The engrossed joint resolution of the general assembly of the state of Indiana, from the senate, was read the second time and committed to a committee of the whole house to-morrow.

The engrossed bill making general appropriations for the year 1828.

The engrossed bill to establish a state road from Shelbyville to intersect the Madison state road in Jennings county. And

The engrossed bill to amend the act entitled an act authorising the writ of replevin, approved Dec. 24, 1821, were severally read the third time and passed.

Ordered, That the same be entitled "acts," and that the clerk carry the same to the senate and ask their concurrence therein.

The engrossed bill to revive an act entitled an act authorising called sessions of the circuit courts, so far as relates to the 4th judicial circuit, in this state, was read the third time, and

On motion of Mr. Irwin,

Said bill was recommitted to a committee of the whole house to-morrow.

On motion of Mr. Matlock,

The committee of the whole house to whom was committed the bill supplemental to an act for the apportionment of senators and representatives to the general assembly, approved Jan. 17, 1826, were discharged from the further consideration thereof.

Mr. Little moved to postpone the further consideration of said bill indefinitely, and

On motion of Mr. Stapp,

The same was ordered to lie on the table.

The house resolved itself into a committee of the whole on the bill requiring certain duties to be performed by the auditor of public accounts, secretary and treasurer of state, and after sometime spent therein, the speaker resumed the chair and Mr. Percy reported the same with several amendments, which were read at the clerk's table, and concurred in by the house.

On motion of Mr. De Pauw,

The title of said bill was amended so as to read "a bill requiring certain duties to be performed by the treasurer and agent of state."

Said bill was then ordered to be engrossed and read a third time to-morrow.

The house resolved itself into a committee of the whole on the engrossed bill, from the senate, entitled an act to amend the act regulating grist mills and millers, and after some time spent therein, the speaker resumed the chair and Mr. Pollock reported the same with several amendments, which were read at the clerk's table, and concurred in by the house.

Mr. Long moved further to amend said bill by striking out so much of the first section as exempts millers from doing militia duty.

Which motion was decided in the negative.

Mr. Lemon moved further to amend said bill by striking out the first section thereof, which reads as follows, to wit:

"That every person being the owner or occupier of any grist mill in actual operation shall be exempt from performing militia duty in time of peace and from serving on juries: *Provided*, This exemption

shall only extend to one person at any one grist mill, he being the owner or occupier thereof."

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Clendenin, De Pauw, Hendricks, Huntington, Johnson of P., Johnston of V. and W., Jones, Lemon, Lewis, Long, Marshall, McClure, McKinney, Reid of F. Smiley, Steele, Wallace, Wilson and Work—19.

And those who voted in the negative are,

Messrs. Adams, Annable, Beard, Bassett, Blair, Boon, Brown, Claypool, Decoursey, Elliott, Graham, Irwin, Jackson, Judah, Kinnard, Levenworth, Little, Lomax, Matlock, M'Pheeters, Newell, Pabody, Percy, Pollock, Reid of D. and M., Roberts, Spann, Stapp, Veatch, Watts, Worth and Moore, Sp'r—32.

And so said motion was decided in the negative.

The amendments to said bill were then ordered to be engrossed, and with said bill be read a third time to-morrow.

And then the house adjourned until 2 o'clock P. M.

2 o'clock, P. M.

The house met pursuant to adjournment.

Mr. Hendricks moved that the several orders of the day which precede the bill to amend the several acts regulating the judicial circuits and fixing the times of holding courts therein, be suspended for the present.

Which motion was carried in the affirmative.

The house then went into a committee of the whole on said bill, and after some time spent therein

the speaker resumed the chair and Mr. Read of D^r and M. reported said bill with several amendments, and

On motion of Mr. Stapp,

Said bill and amendments were ordered to lie on the table.

The house resolved itself into a committee of the whole on the engrossed bill, from the senate, entitled an act to incorporate the Indianapolis steam mill company, and after some time spent therein the speaker resumed the chair and Mr. Read, of Franklin, reported the same without amendment.

Ordered, That said bill be read a third time tomorrow.

The house resolved itself into a committee of the whole on the engrossed bill, from the senate, entitled, an act providing for the partition of real estate, approved January 2, 1824, and after some time spent therein, the speaker resumed the chair and Mr. Slaughter reported said bill without amendment.

Said bill was then read the third time and passed.

Ordered, That the clerk inform the senate thereof.

The house resolved itself into a committee of the whole on the engrossed bill, from the senate, entitled an act to establish a state road from Levenworth, via Bono, to Indianapolis, and after some time spent therein, the speaker resumed the chair and Mr. Smiley reported progress and asked leave to sit again; which leave was granted by the house.

On motion of Mr. Read of D. and M.

The committee of the whole house to whom was committed the engrossed bill, from the senate, entitled an act making further provision for the sale of the seminary townships of land in Gibson and Monroe counties, and for other purposes, were discharged from the further consideration thereof.

Said bill was then read the third time and passed.

Ordered, That the clerk inform the senate thereof.

Mr. Percy moved that the committee of the whole house to whom was committed the engrossed bill, from the senate, entitled an act to continue the state road from Bono to Terre Haute, be discharged from the further consideration thereof.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Annable, Bassett, Blair, Boon, Brown, Claypool, De Pauw, Irwin, Johnson of P. Jones, Judah, Lewis, Little, M'Kinney, Pabody, Percy, Read of D. and M. Reid of F. Steele, Veatch, Wallace, Wilson, Worth and Moore, Speaker—24.

And those who voted in the negative are,

Messrs. Adams, Beard, Clendenin, Decoursey, Graham, Hendricks, Jackson, Johnston of V. and W. Kinnard, Lemon, Levenworth, Lomax, Long, Marshall, Matlock, M'Clure, M'Pheeters, Newell, Pollock, Slaughter, Smiley, Spann, Stapp and Watts—24.

And so said motion was decided in the negative.

And then the house adjourned until to-morrow morning nine o'clock.

THURSDAY MORNING, JANUARY 10, 1828.

The House met pursuant to adjournment.

Mr. De Pauw from the committee on the affairs of the town of Indianapolis to whom was referred a resolution of this house on the subject of procuring a fire engine for the preservation of the public property in said town, made the following report thereon, viz.

The standing committee on the affairs of the town of Indianapolis to whom was referred, a resolution of this house, directing an enquiry into the expediency of procuring a fire engine, to be used by a fire company in said town, for the preservation of the public property, &c. have had that subject under consideration, and recommend to the house the adoption of the following resolution, viz.

Resolved, That it is inexpedient, at this time, to legislate on said subject, and that said committee be discharged from the further consideration thereof.

Which report was read and agreed to by the house.

Mr. Bassett from the joint committee of free conference, appointed to take into consideration the disagreeing votes of the two houses, on the bill to amend the act relative to crimes and punishments, made the following report, viz.

The joint committee of free conference to whom was referred, the subject matter of difference between the two houses, relative to the first amendment made by the Senate, to the engrossed bill of this house, entitled an act to amend the act relative to crimes and punishments, to which amendment the house have disagreed, agree that the House of Representatives shall recede from their disagreement to said amendment.

And the question being put, Will the house concur in said report?

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Boon, Craig, De Pauw, Elliott, Irwin, Jackson, Johnson of P. Little, Lomax, Long, Marshall, Newell, Percy, Reid of F., Smiley, Veatch, and Wilson—17.

And those who voted in the negative are,

Messrs. Adams, Allen, Annable, Beard, Bassett, Blair, Brown, Campbell, Claypool, Clendenin, Decoursey, Graham, Hendricks, Hawk, Huntington, Johnston of V. and W., Jones, Judah, Kinnard, Lemon, Levenworth, Lewis, Matlock, M'Kinney, M'Pheeters, Pabody, Pollock, Read of D. and M., Roberts, Slaughter, Spann, Stapp, Steele, Stevens, Wallace, Watts, Work, Worth and Moore, Speaker—39.

And so the house refused to concur in said report.

Mr. Hawk then moved that this house adhere to their disagreement to the said amendment made by the senate to said bill.

Which motion was carried in the affirmative.

Ordered, That the Clerk inform the Senate thereof.

Mr. Beard moved to take up the the bill supplemental to act entitled an act for the apportionment of senators and representatives to the general assembly, approved January 17, 1826.

Which motion was carried in the affirmative.

The question recurring on the motion of Mr. Little to postpone the further consideration of said bill indefinitely.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Adams, Bassett, Blair, Campbell, Clendenin, Decoursey, De Pauw, Graham, Hawk, Irwin, Johnson of P. Jones, Lemon, Little, Lomax, M'Kinney, M'Pheeters, Pollock, Read of D. and M. Reid of F. Roberts, Slaughter, Steele, Stevens, Wallace, Watts, Wilson and Work—28.

And those who voted in the negative are,

Messrs. Allen, Annable, Beard, Boon, Brown, Claypool, Craig, Elliott, Hendricks, Huntington,

Jackson, Johnston of V. & W. Judah, Kinnard, Levenworth, Lewis, Long, Matlock, M'Clure, Newell, Pabody, Percy, Smiley, Spann, Stapp, Veatch, Worth and Moore, Speaker—28.

And so said motion was decided in the negative.

Mr. Lomax moved to recommit said bill to a committee of the whole house to-morrow.

Which motion was also decided in the negative.

And the question being then put, Shall said bill be engrossed and read a third time to-morrow?

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Adams, Allen, Annable, Beard, Boon, Brown, Claypool, Hendricks, Huntington, Irwin, Jackson, Johnston of V. and W. Judah, Kinnard, Levenworth, Lewis, Long, Matlock, M'Clure, Newell, Pabody, Percy, Smiley, Spann, Stapp, Veatch, Worth, and Moore, Speaker—28.

And those who voted in the negative are,

Messrs. Bassett, Blair, Campbell, Clendenin, Craig, Decoursey, De Pauw, Elliott, Graham, Howk, Johnson of P. Jones, Lemon, Little, Lomax, Marshall, M'Kinney, M'Pheeters, Pollock, Reid of F. Read of D. and M. Roberts, Slaughter, Steele, Stevens, Wallace, Watts, Wilson and Work—29.

And so said bill was lost.

Mr. Graham from the select committee to whom was referred a resolution of this house on that subject made the following report, viz.

The committee appointed to enquire what extent of territory is contained in the county of Shelby, report,

That they have had that subject under consideration, and that if all the townships be considered entire, or six miles square, there would be 408 square miles in said county, but that, by calculating the contents of each quarter section, as returned by

the surveyor general, the said county would contain less than 400 square miles by something more than one square mile.

Mr. Worth moved to reconsider the vote of yesterday on the passage of the engrossed bill to dissolve the banns of matrimony between John C. Brown and Polly his wife.

Which motion was carried in the affirmative.

The question being then put, shall said bill pass?

And the ayes and noes being required thereon, by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Adams, Allen, Annable, Beard, Boon, Decoursey, Huntington, Jackson, Johnson of P. Johnston of V. and W. Judah, Kinnard, Levenworth, Marshall, Matlock, M'Clure, M'Pheeters, Pabody, Pollock, Read of D. & M Slaughter, Smiley, Spann, Stapp, Veatch, Wilson, Worth and Moore, Speaker—28.

Those who voted in the affirmative are,

Messrs Bassett, Blair, Brown, Campbell, Claypool, Clendenin, De Pauw, Elliott, Graham, Hendricks, Hawk, Jones, Lemon, Lewis, Little, Lomax, Long, M'Kinney, Newell, Percy, Reid of F. Roberts, Steele, Wallace, Watts and Work—26.

And so said bill passed.

Ordered, That the same be entitled "an act," and that the clerk carry the same to the senate and ask their concurrence therein.

Mr. Worth, from the joint committee for enrolled bills, made the following report, viz.

The joint committee, for enrolled bills, have compared the following enrolled with the engrossed bills, entitled acts, as follows, to wit:

An act directing the mode of suing out and prosecuting writs of habeas corpus;

An act to incorporate the town of Corydon, in Harrison county;

An act authorising the inhabitants of congressional township numbered 11 north, range numbered 9 west, to incorporate themselves according to the provisions of the act of 1824—Also,

A joint resolution of the general assembly relative to the western mail route from Louisville, in Kentucky, to St. Louis, in Missouri; and find them truly enrolled.

When the Speaker signed said bills and joint resolution.

Ordered, That the clerk carry the same to the senate for the signature of their president.

Mr. Marshall from the joint committee for enrolled bills, made the following report, to wit:

The joint committee on enrolled bills, did on this day, present to his Excellency, the Governor, for his approval and signature, the following enrolled bills, entitled acts, to wit:

An act to revive an act entitled an act for the relief of such persons as have suffered or may hereafter suffer by the destruction of the records of the county of Knox, which were consumed by fire, at Vincennes, in the year 1814, passed September 7, 1814;

An act for the benefit of the devisees of Thomas Watts, deceased;

An act authorising the board of justices of Wayne county to sell a part of the public square in the town of Centreville;

An act to amend an act entitled an act to establish a state library, approved Feb. 11, 1825; and

A joint resolution relative to the procuring of a complete set of the journals of congress and other public documents.

The following message was received from the senate, by Mr. Farnham their assistant secretary, announcing,

That the senate have passed engrossed bills of

the house of representatives, entitled acts, as follows:

An act authorising the inhabitants of congressional township No. 11, north, range 9 west, to incorporate themselves according to the provisions of the act of 1824;

An act to extend the act entitled an act to provide for recording brands, ear marks and for posting estrays, in the counties therein named, and for other purposes;

An act providing for the repayment of certain monies to the county of Delaware; and

An act supplementary to an act entitled an act for the appointment of county surveyors and their deputies, approved January 30, 1824;

The three first named bills without and the last with an amendment.

They have passed original bills, entitled acts, as follows:

An act authorising the court doing county business, in Morgan county, to exempt the citizens of said county from paying ferriage; and

An act to suppress certain fraudulent practices; in which bills together with the amendment to the fourth bill, above named, the concurrence of the house of representatives is requested.

The house concur in the amendment made by the senate to the bill of this house, entitled an act supplementary to an act entitled an act for the appointment of county surveyors and their deputies, approved January 30, 1824.

Ordered, That the clerk inform the senate thereof.

The engrossed bills, from the senate, entitled "acts," mentioned in said message, were read the first time and ordered to a second reading to-morrow.

The house took up and proceeded to consider the orders of the day.

The bill respecting county debts was read the first time;

Mr. Watts moved to postpone the further consideration thereof indefinitely.

Which motion was carried in the affirmative.

The bill attaching a part of the county of Green to the county of Sullivan was read the second time: When

Mr. Adams moved to commit said bill to a committee of the whole house to-morrow.

Which motion was decided in the negative.

And,

On motion of Mr. Worth,

Said bill was ordered to lie on the table.

The bill to authorise the leasing of a part of section 16, township 15, north of range 7 east, in Hancock county, was read the second time.

Mr. Lomax moved to amend the same by the addition of the following, which, if adopted, will constitute an additional section to said bill, to wit:

Sec. 4. That Robert Kinworthy, of Wayne county be and he is hereby authorised to dig a mill race through the south part of section 16, in township 18, of range 14, in Randolph county.

Which motion was carried in the affirmative.

Said bill was then ordered to be engrossed and read a third time to-morrow.

And then the house adjourned until two o'clock P. M.

2 o'clock, P. M.

The house met pursuant to adjournment.

The joint resolution of the general assembly, and

The bill amendatory of the act entitled an act for the relief the poor, approved January 30th, 1824, were read a second time, and

Ordered to be engrossed, and read a third time tomorrow.

The bill to incorporate the managers of the Madison and Indianapolis turnpike company, was read the second time, when

Mr. Wilson moved to amend the same by striking out the 25th and 26th sections thereof, which reads in the words following:

Sec. 25. That so soon as the lands donated by the Indians for the purpose of making a road from Lake Michigan, by way of Indianapolis, to some convenient point on the Ohio river shall be selected by the state, that it shall be the duty of the Governor to appoint one commissioner on the part of the state; and said managers to appoint one commissioner on the part of the company, who, together, shall select eighty-five sections of said land, to be taken together, as near as may be, in a square, and value the same: and such land and the title thereof, so selected and valued, shall be vested in said managers and company and their successors and assigns— And they shall have full power to sell and convey the same at such price and in such manner as they shall deem most conducive to the interest of said company.

Sec. 26. That so soon as the title to said eighty-five sections of land is vested in said company, the state of Indiana shall become a share holder in said company to the amount of the valuation of said land, and shall be entitled to a dividend in proportion to the amount of the value thereof, compared with the actual cost of making such road: *Provided, however, that in no case shall the state be called on to contribute any money out of the public treasury for the making and repairing said road, nor to pay any expenses attending the same.*

Which motion was carried in the affirmative.

Mr. Stapp then moved to lay said bill on the table.

Which motion was also carried in the affirmative.

The bill respecting a county seminary and the seminary funds in the county of Switzerland, was read the second time, and ordered to be engrossed and read a third time to-morrow.

The engrossed bill requiring certain duties to be performed by the treasurer and agent of state, and

The engrossed bill to amend an act entitled an act to provide for the election of electors of president and vice-president of the United States, were read the third time and passed.

Ordered, That the same be entitled "acts," and that the Clerk carry the same to the Senate, and ask their concurrence therein.

The engrossed bills from the senate entitled an act for the benefit of Henry Markle;

The engrossed bill, from the senate, entitled an act to incorporate the Indianapolis steam mill company, and

The engrossed bill from the senate entitled an act to incorporate the Indianapolis steam mill;

The engrossed bill, from the senate, entitled an act to amend the law regulating grist mills and millers, were severally read the third time and passed, the two first without amendment, the latter with amendments.

Ordered, That the clerk inform the senate thereof and that he ask their concurrence in the amendments made to the last named bill.

The house resolved itself into a committee of the whole on the engrossed bill, from the senate, entitled an act to continue the state road from Bono to Terre Haute, and after some time spent therein, the speaker resumed the chair and Mr. Roberts reported

said bill with several amendments, which were read at the clerk's table, and concurred in by the house.

Mr. Adams then moved to postpone the further consideration of said bill indefinitely.

Which motion was carried in the affirmative.

The house again resolved itself into a committee of the whole on the engrossed bill, from the senate, entitled an act to establish a state road from Levenworth, via Bono, to Indianapolis, and after some time spent therein, the speaker resumed the chair and Mr. Spann reported said bill with several amendments, which were read at the clerk's table, and concurred in by the house.

Mr. Wallace moved further to amend said bill by striking out the first section thereof, from the enacting clause, which reads in the words following:

That Julius Woodford, of Crawford county, John Vanrankin and William Flinn, of Lawrence county, William Jackson, sen. of Monroe, county, and David Marrs, of Marion county, be, and they are hereby appointed commissioners to view, mark and lay out a state road from Levenworth, in the county of Crawford, via Bono, in the county of Lawrence, and thence to Indianapolis, in the county of Marion:

And inserting the words following in lieu thereof:

That John Vanrankin, of Orange county, William Flinn, of Lawrence county, William Jackson, sen. of Monroe county, and David Marrs, of Marion county, be, and they are hereby appointed commissioners to view, mark and lay out a state road, commencing at the line dividing the counties of Orange and Lawrence, where the road leading from Levenworth to the mouth of Fishing creek crosses the same, and in continuation of said road, by way of Bono, in Lawrence county, to Indianapolis, in Marion county.

Which motion was decided in the negative.

Mr. Clendenin then moved to postpone the further consideration of said bill indefinitely.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Blair, Brown, Claypool, Clendenin, Craig, Johnson of P., Lemon, Matlock, M'Pheeters, Newell, Pabody, Percy, Reid of F. Spann, Wallace, Wilson, Work and Worth—18.

And those who voted in the negative are,

Messrs. Adams, Allen, Annable, Beard, Bassett, Boon, Decoursey, De Pauw, Elliott, Graham, Hendricks, Huntington, Irwin, Jackson, Johnston of V. and W., Jones, Judah, Kinard, Levenworth, Lewis, Little, Lomax, Long, Marshall, Pollock, Reid of D. and M., Roberts, Smiley, Stapp, Steele, Stevens, Veatch, and Moore, Sp'r—34.

And so said motion was decided in the negative

The amendments to said bill were ordered to be engrossed, and with said bill, read a third time to-morrow.

And then the house adjourned until to-morrow morning nine o'clock.

FRIDAY MORNING, JANUARY 11, 1828.

The house met pursuant to adjournment.

Mr. Percy presented a petition of William Taylor and others, of Putnam county, praying certain amendment may be made to the law relative to doing county business, which was read and ordered to lie on the table.

Mr. Kinnard presented a petition of William Gladden and others, of Marion and Hendricks counties, praying the extension of a lease on certain school lands in Marion county, which was read and referred to a select committee of Messrs. Kinnard, M-Pheeters and Beard.

Mr. Long presented a remonstrance of David Osborn and others, of Hamilton county, against any change in the state road leading from Indianapolis to Winchester, in Randolph county, which was read and referred to the committee on roads.

Mr. Stevens presented a petition of John F. Sebinthal, collector of Switzerland county, praying further time may be given him to pay the revenue due from said county into the treasury, which was read and referred to the same committee of the whole house to whom was committed the bill from the senate for the relief of John Spencer, collector of Dearborn county.

Mr. De Pauw from the committee on the affairs of the town of Indianapolis to whom was referred a resolution of this house, on the 17th Dec. last, made the following report, viz.

The committee on the affairs of the town of Indianapolis to whom was committed a resolution of this house directing an enquiry into the expediency of authorising the board of Marion county justices to order the opening of a county road or roads around the seat of government donation, have had the same under their consideration and report,

That it is the opinion of said committee that the statutory provisions now in force on the subject of public roads, extend facilities, powers and privileges as ample and liberal as the public interest could justify, And inasmuch as your committee entertain no doubt, that, in future, when the general assembly deem it advisable to order sales of said donation, that they will, at the same time, reserve

from sale suitable width of alleys or commons on the exterior thereof, which, if so provided, will fully answer the objects contemplated in said resolution, deem it, therefore, inexpedient, at this time, to legislate on that subject, and ask to be discharged from the further consideration thereof.

The above report was read and concurred in by the house.

Mr. Adams moved to reconsider the vote postponing indefinitely the engrossed bill, from the senate, entitled an act to continue the state road from Bono to Terre Haute.

Which motion was carried in the affirmative.

Mr. Adams then withdrew his motion to postpone the further consideration of said bill indefinitely, and

On motion of Mr. Adams,

Said bill was recommitted to a select committee of Messrs. Adams, Huntington, Percy and Roberts.

The engrossed bill, from the senate, entitled an act authorising the court doing county business, in Morgan county, to exempt the citizens of said county from paying ferriage, was read the second time and referred to a select committee of Messrs. Matlock, Hendricks, Smiley and Kinnard.

The engrossed bill, from the senate, to suppress certain fraudulent practices, was read the second time and referred to the judiciary committee.

The engrossed bill respecting a county seminary and the seminary funds of the county of Switzerland, was read the third time and passed.

Ordered, That the same be entitled "an act," and that the clerk carry the same to the senate and ask their concurrence therein.

The engrossed bill to authorise the leasing of a part of section 16, in township no. 15, north of range no. 7, east, in Hancock county, was read the third time and passed.

On motion of Mr. Worth,

The words "and for other purposes," were added to the title.

Ordered, That the same be entitled "an act," and that the clerk carry the same to the senate, and ask their concurrence therein.

The engrossed joint resolution of the General Assembly, was read the third time,

The question being put, Shall the said joint resolution pass?

And the same was decided in the negative.

Mr. Worth from the joint committee for enrolled bills, made the following report, to wit:

The joint committee for enrolled bills, have compared the enrolled with the engrossed bills, entitled acts, as follows, to wit:

An act to extend the act entitled an act to provide for recording brands, ear marks and for posting estrays, in the counties therein named, and for other purposes, approved January 24, 1827;

An act providing for the repayment of certain monies to the county of Delaware;

An act to authorise the qualified voters of this state to vote for or against a convention for a revision of the constitution of this state: and

An act supplementary to an act entitled an act for the appointment of county surveyors and their deputies, approved January 30, 1824,

And find the said bills truly enrolled.

When the speaker signed the said bills.

Ordered, That the clerk carry the same to the Senate for the signature of their president.

The following message was received from the senate, by Mr. Farnham their assistant secretary, announcing,

That the senate concur in the report of the joint committee of free conference on the disagreeing votes of the two houses relative to an amendment

made by the senate to the engrossed bill of the house of representatives, entitled an act to amend an act relative to crimes and punishments.

They concur in part and disagree in part to the amendments made by the house of representatives to the engrossed bill, of the senate, entitled an act to amend an act to regulate the militia of the state of Indiana, approved January 20, 1824, and in the last amendment made to said bill they concur with an amendment.

They have adopted a memorial and joint resolution on the subject of the National Road, which originated in the house of representatives. Also,

An engrossed bill, of the house of representatives, entitled an act to divorce Sarah Pettengall from her husband James Pettengall. Also,

An original engrossed bill, entitled an act to provide for printing and distributing the laws and journals of the present session, in which last named bill the concurrence of the house of representatives is requested.

Mr. Stapp moved that this house insist on the first part of the first amendment made by them to the bill relative to the militia of this state.

Which motion was carried in the affirmative.

The house recede from the second part of the first amendment to said bill.

The question being put, Will the house agree to the first part of the amendment made by the senate to the eighth amendment of this house to said bill, which is as follows:

"In the 10th section and second line, after the word *muster*, insert "the muster of the oldest regiment in each brigade shall be on the first Monday of October, and that of the second oldest the succeeding Tuesday, and of the third oldest the succeeding Wednesday, and so on in succession;" and strike out from the 2d and 3d lines "at such time in

the month of October as the brigadier general shall direct"—also, in the 7th and 8th lines to come in at the end of the 7th, and at the commencement of the 8th, after the word *muster* insert "on the second Saturday."

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Annable, Bassett, Elliott, Irwin, Jackson, Johnson of P. Jones, Lomax, Long, Pollock, Slaughter, Steele and Moore, Speaker—13.

And those who voted in the negative are,

Messrs. Adams, Allen, Beard, Blair, Boon, Brown, Campbell, Craig, Decoursey, De Pauw, Hendricks, Hawk, Huntington, Johnston of V. and W., Judah, Kinnard, Lemon, Levenworth, Little, Marshall, Matlock, M'Kinney, M'Pheeters, Newell, Pabody, Percy, Read of D. and M., Reid of F., Roberts, Smiley, Spann, Stapp, Veatch, Wallace, Watts, Wilson and Work—37.

And so the house refused to agree to said amendment to an amendment.

The house also disagree to the 2d part of the amendment made by the senate to the 8th amendment made by this house to said bill, but agree to the 3d part of their amendment to said amendment.

Ordered, That the clerk inform the senate thereof.

Mr. Huntington then moved to lay said bill and amendments on the table.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Adams, Annable, Blair, Claypool, Craig, De Pauw, Hendricks, Hawk, Huntington, Johnson of P. Johnston of V. and W. Kinnard, Lemon, Marshall, M'Kinney, Percy, Reid of F. Wilson, Work and Moore, Speaker—20.

And those who voted in the negative are,

Messrs. Allen, Beard, Bassett, Boon, Brown, Campbell, Decoursey, Elliott, Irwin, Jackson, Jones, Judah, Levenworth, Lewis, Little, Lomax, Long, Matlock, M'Pheeters, Newell, Pabody, Pollock, Read of D. and M. Roberts, Slaughter, Smiley, Spann, Stapp, Steele, Veatch, Wallace, Watts and Worth—33.

And so said motion was decided in the negative.

The engrossed bill, from the senate, entitled an act to provide for printing and distributing the acts, joint resolutions and journals of the present general assembly, was read the first time and passed to a second reading to-morrow.

And then the house adjourned until two o'clock P. M.

2 o'clock, P. M.

The house met pursuant to adjournment.

Mr. Craig moved that the orders of the day be, for the present, suspended, and that the house take up the bill to amend the several acts regulating the judicial circuits and fixing the times of holding courts therein.

Which motion was carried in the affirmative.

Mr. Craig then moved that said bill be committed to a committee of the whole house now.

Which motion was carried in the affirmative.

The house according to order resolved itself into a committee of the whole on said bill, and after

some time spent therein, the speaker resumed the chair and Mr. Stapp reported said bill with several amendments, which were read at the clerk's table, and concurred in by the house.

Ordered, That said bill be engrossed, and read a third time to-morrow.

The following message was received from the Governor, by John N. Wick:

Mr. Speaker,

I am instructed by His Excellency the Governor, to inform this house, that, on this day, January 11, the following acts have received his signature and approbation:

An act authorising the board of justices of Wayne county to sell a part of the public square in the town of Centreville;

An act to revive an act entitled an act for the relief of such persons as have suffered or may hereafter suffer by the destruction of the records of the county of Knox, which were consumed by fire, at Vincennes, in the year 1814, passed September 7, 1814;

And are now on file in the office of the secretary of state.

Mr. Marshall from the joint committee for enrolled bills, made the following report, to wit:

The joint committee on enrolled bills, did on this day, present to his Excellency, the Governor, for his approval and signature, the following enrolled bills, entitled acts, and joint resolution, to wit:

An act to incorporate the town of Corydon, in the county of Harrison;

An act directing the mode of suing out and prosecuting writs of habeas corpus;

An act authorising the inhabitants of congressional township no. 11, north, range no. 9 west, to incorporate themselves according to the provisions of the act of 1824;

A joint resolution of the general assembly relative to the western mail route from Louisville, in Kentucky, to St. Louis, in Missouri.

The speaker laid before the house the following communication from W. W. Wick, secretary of state, viz.

Secretary's office Jan. 1, 1828.

The Hon. the Speaker of the

House of Representatives:

The secretary of state acknowledges the call upon his office for a copy of the report of Alexander Ralston relative to the West fork of White river—its obstructions and the probable cost of removing the same and in answer thereto states that no such document to his knowledge is or ever has been filed in his Office.

Consequently the requisition cannot be complied with.

Respectfully,

W. W. WICK.

The engrossed bill amendatory of the act for the relief of the poor, approved January 30, 1824, was read the third time and passed.

Ordered, That the same be entitled "an act," and that the clerk carry the same to the senate and ask their concurrence therein.

The engrossed bill from the senate entitled an act to establish a state road from Leavenworth, via Bono, to Indianapolis, was amended by consent, and the amendments were ordered to be engrossed and with said bill read a third time to-morrow.

The house resolved itself into a committee of the whole on the engrossed bill, from the senate, entitled an act to amend an act entitled an act amendatory of the law and for the better advancement of justice, approved January 20, 1826, and after some time spent therein, the speaker resumed the chair

and Mr. Steele reported said bill with several amendments.

And then the house adjourned until to-morrow morning nine o'clock.

SATURDAY MORNING, JANUARY 12, 1828.

The house met pursuant to adjournment,

Mr. Adams presented a remonstrance of Thomas Warnick and others, citizens of Green county, against any part of said county being attached to the county of Sullivan, or any other county.

Which was read and laid on the table.

Mr. Worth presented a petition of John Stephenson, of Randolph county, author of "the Complete constable for the state of Ohio, late justice of the peace and constable of Scioto township, Pickaway county, for seven years," requesting the legislature to give him annually, hereafter, a copy of the laws of this state in return for which he proposes to give a copy of "the Complete Constable, &c." of which he is the author, to be deposited among the archives of the state.

The said petition being read,

Mr. Read of D. and M. moved to refer the same to the committee on roads.

Which motion was decided in the negative.

Mr. Wallace then moved to refer said petition to the committee on election.

Which motion was carried in the affirmative.

Mr. Claypool presented a petition of Philip Mason and others, of Connersville, stockholders in the Connersville library association, praying the passage of an act to dissolve said association, which was read and referred to a select committee of Messrs. Claypool, Reid of F. Elliott and Bussett,

Mr. Claypool presented a petition of William Caldwell, administrator and of Catharine Brownlee, administratrix of James Brownlee, late of Fayette county, deceased, praying the passage of a special act to authorise them to sell certain real estate of which the said James Brownlee died seized; which was read and referred to the judiciary committee.

Mr. Hendricks presented a petition of the heirs and legal representatives of Joseph Howard, late of Jefferson county, deceased, praying the passage of a special act authorising the sale of certain real estate, which lies in the county of Jefferson, and which has descended to the heirs of the said Joseph Howard, deceased.

Which was read and referred to the judiciary committee.

Mr. Hawk, from the committee on education, to whom was referred the petition of Henry Hannas and others, made the following report thereon, viz.

The committee on education have had under their consideration the petition of Henry Hannas and others, of Gibson county, praying for certain amendments to the act incorporating congressional townships and providing for public schools therein, and are of opinion that the prayer of said petition is unreasonable and ought not to be granted.

The above report was read and concurred in by the house.

Mr. Kinnard from the select committee to whom was referred the petition of William Gladden and others, reported a bill for the relief of Robert Martin, which was read the first time and passed to a second reading on Monday next.

Mr. Marshall from the joint committee for enrolled bills, made the following report, viz.

The joint committee for enrolled bills did, on this day, present to his excellency the governor for his

approval and signature the following enrolled bills, entitled acts, to wit:

An act to authorise the qualified voters of this state to vote for or against a convention for a revision of the constitution of this state;

An act supplementary to an act entitled an act for the appointment of county surveyors and their deputies;

An act providing for the repayment of certain monies to the county of Delaware;

An act to extend an act entitled an act to provide for recording brands, ear marks and for posting estrays, in the counties therein named, and for other purposes, approved January 24, 1827,

Mr. Bassett moved to take up the resolution heretofore presented by him which reads in the words following:

Resolved, That this house will adjourn *sine die* on the 12th of January inst. and that the senate be informed thereof, and a similar resolution be requested on their part.

Which motion was carried in the affirmative.

Mr. Bassett moved to strike out the 12th and insert the 19th in said resolution.

Which motion was carried in the affirmative.

Mr. Boon moved to amend said resolution by inserting after the word "19th" the words "if we shall then be ready to adjourn." And,

On motion of Mr. Little,

Said resolution was again laid on the table.

Mr. Boon presented the following resolution, viz.

Resolved, That this house will not receive any new business from and after the 16th inst. And

On motion of Mr. Reid of D. and M.

Said resolution was ordered to lie on the table.

Mr. Clendenin from the committee of ways and means, made a detailed report on the subject of the financial concerns of the state—and

On motion of Mr. Read of D. and M.

Resolved, That the report of the committee of ways and means, on the financial concerns of the state, be concurred in by this house, and that the public printer be directed to print twelve hundred copies of the same for the use of the general assembly; and that the said public printer be moreover directed, after he shall have completed the printing of the said number of copies, to deposit the original manuscript of said report with the clerk of the house of representatives, whose duty it shall be to file the same among the papers of this house.

Mr. Kinnard, after having obtained leave, presented a joint resolution on the subject of certain mail routes, which was read the first time and passed to a second reading on Monday next.

Mr. Boon moved to take up the bill attaching a part of the county of Green to the county of Sullivan.

Which motion was carried in the affirmative.

Mr. Adams then moved to postpone the further consideration of said bill indefinitely.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Adams, Beard, Clendenin, De Pauw, Graham, Lemon, Little, M'Clure, M'Pheeters, Newell, Pollock, Smiley, Spann, Wallace, Watts and Work—16.

And those who voted in the negative are,

Messrs. Allen, Annable, Blair, Boon, Brown, Campbell, Claypool, Craig, Elliott, Hendricks, Huntington, Irwin, Jackson, Johnson of P. Johnston of V. & W. Jones, Judah, Kinnard, Levenworth,

Lewis, Lomax, Long, Marshall, Matlock, M'Kinney, Pabody, Percy, Read of D. and M. Reid of F. Roberts, Slaughter, Stapp, Steele, Stevens, Veatch, Worth and Moore, Speaker—37.

And so said motion was decided in the negative.

Mr. Adams moved to commit said bill to a committee of the whole house and make it the order of the day for Monday next.

Which motion was decided in the negative.

Said bill was then ordered to be engrossed and read a third time on Monday next.

Mr. Huntington, after having obtained leave, presented a bill vacating the town of Greenfield, in the county of Vigo, which was read the first time and passed to a second reading on Monday next.

Mr. Boon moved to reconsider the vote taken on postponing indefinitely the further consideration of the bill to divorce Sally Rose from her husband Edward W. Rose.

Which motion was carried in the affirmative.

The question recurring on the motion to postpone the further consideration of said bill indefinitely,

The same was decided in the negative.

And the question being then put, Shall said bill be engrossed and read a third time on Monday next?

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Adams, Allen, Annable, Beard, Blair, Boon, Brown, Hendricks, Huntington, Jackson, Johnston of V. and W., Judah, Kinnard, Levenworth, Lewis, M'Pheeters, Read of D. and M. Smiley, Spann, Stapp, Veatch and Moore, Speaker—22.

And those who voted in the negative are,

Messrs. Bassett, Campbell, Claypool, De Pauw, Elliott, Graham, Irwin, Johnson of P. Jones, Lemon,

Little, Lomax, Marshall, M'Clure, M'Kinney, Newell, Pabody, Percy, Pollock, Reid of F., Roberts, Steele, Wallace, Watts and Work—25.

And so said bill was lost.

The house took up and proceeded to consider the orders of the day.

The engrossed bill, from the senate, entitled an act to provide for printing and distributing the laws and journals of the present general assembly, was read the second time.

Mr. Lomax moved to commit said bill to a committee of the whole house, and make it the order of the day for Monday next.

Which motion was decided in the negative.

Mr. Lomax moved to amend said bill, by striking out the 4th section thereof, which reads in the words following:

Sec. 4. That the Secretary of State is hereby authorised and required, to contract with the book-binder in this place, to bind in half binding and lettering, all the acts of the present General Assembly.

Mr. Boon moved to amend said section, so as to have one copy bound for each county; which motion was decided in the negative.

The question recurring on the motion of Mr. Lomax to strike out the fourth section of said bill, the same was decided in the negative.

The said bill was then ordered to a third reading on Monday next.

The engrossed bill from the Senate, entitled an act to establish a state road from Levenworth via Bono to Indianapolis, was read the third time and passed, as amended.

Ordered, That the clerk carry the same to the Senate and ask their concurrence in said amendment.

The following message was received from the Governor, by John N. Wick:

I am instructed, by His Excellency the Governor, to announce to the House of Representatives, that

An act to incorporate the town of Corydon, in Harrison county;

An act directing the mode of suing out and prosecuting writs of habeas corpus;

An act to authorise the inhabitants of Congressional township numbered eleven, north of range numbered nine, west, to incorporate themselves according to the provisions of the act of 1824, have, on this day, (January 12,) received his approbation and signature, and are now on file in the office of the Secretary of State.

Mr. Worth from the joint committee for enrolled bills, made the following report, to wit:

The joint committee for enrolled bills, have compared the enrolled with the engrossed bills, entitled acts, as follows, to wit:

An act to amend an act entitled "an act to provide for the partition of real estate," approved January 2d, 1824;

An act attaching a certain territory to the counties therein named;

An act making further provision for the sale of the Seminary townships of land in the counties of Gibson and Monroe, and for other purposes;

An act to divorce Sarah Pettengill from her husband James Pettingell; Also,

A memorial and joint resolution on the subject of the National Road;

And find the same truly enrolled.

When the speaker signed said bills and memorial.

Ordered, That the clerk carry the same to the senate for the signature of their president.

And then the house adjourned until Monday morning, nine o'clock.

MONDAY MORNING, JANUARY 14, 1828.

The House met pursuant to adjournment.

Mr. Wallace, from the committee on roads, to whom was referred the petition of William Young and others, and the remonstrance of David Osborn and others, made the following report thereon, viz.

The committee on roads to whom was referred, the petition of William Young and others, of Henry county, praying the vacation of a certain state road therein named; and also the remonstrance of David Osborn and others against said vacation, have had the same under consideration, and directed me to report, that they deem it inexpedient to legislate on that subject; they therefore ask to be discharged from the further consideration of said petition and remonstrance.

The above report was read and concurred in by the house.

Mr. Levenworth, from the committee on canals and internal improvements, made the following report, viz.

The committee on canals and internal improvements, to whom was committed, bills Nos. five and seven, of the unfinished business of last session, have had the same under their consideration, and have directed me to report, that as it respects the bill No. seven, being a copy of an act of the legislature of Illinois state, entitled "an act to incorporate the Wabash navigation company," your committee recommend the adoption of the following resolution:

Resolved, That the further consideration of a copy of an act of the legislature of the state of Illinois, entitled "an act to incorporate the Wabash navigation company, be postponed until the first Monday of December next.

As it respects the bill No. 5, providing for the sur-

vey and location of a canal from Fort Wayne to some point on the Wabash river, north of the mouth of the Tippecanoe river. Your committee recommend the adoption of the following resolution:

Resolved, That the bill No. 5, being a part of the unfinished business of last session, relating to surveying and locating a canal from Fort Wayne to some point on the Wabash river, north of the mouth of the Tippecanoe river, be postponed indefinitely.

All of which is respectfully submitted.

The above report was read and agreed to by the house.

Mr. Graham, from the select committee to whom was referred, the petition of sundry citizens of the county of Floyd, on the subject of incorporating a company to build a bridge over the Ohio river, made the following report thereon, viz.

Your committee to whom was referred, the petition of sundry citizens of the county of Floyd, on the subject of building a bridge across the Ohio river, report,

That as the present session will probably terminate in a few days the time afforded your committee will not allow them the opportunity of procuring such information on the subject as the many and great interests involved in it would require, they therefore recommend the adoption of the following resolution, viz.

Resolved, That the further consideration of said petition be postponed until the first Monday in December next.

The above report was read and concurred in by the house.

Mr. Decoursey from the select committee to whom was referred the bill to amend the act subjecting real and personal estate to execution, and sundry resolutions of this house on the same subject, reported said bill with one amendment, which was by

striking the same out from its enacting clause, and inserting seven new sections in lieu thereof, which was twice read and concurred in by the house. The said bill was then committed to a committee of the whole house to-morrow.

Mr. Stevens from the select committee to whom was referred the reports of W. W. Wick, as state librarian, made the following report thereon, viz.

The select committee to whom was committed the reports of the state librarian, have, in part, had those documents under their consideration, and are of opinion that it is not necessary to investigate the subject, inasmuch as it is officially known that a similar investigation has been made by a select committee of the senate and a bill reported thereon, which has passed both houses; the committee therefore ask to be discharged from the duties assigned them, which report was read and concurred in by the house.

On motion of Mr. Pabody,

Resolved, That a select committee be appointed to examine the business on the files of this house, and to enquire on what day the present session may be closed without detriment to the public service, and to report thereon by the 16th inst.

Ordered, That Messrs. Pabody, Stapp and Wilson be that committee.

Mr. Boon, after having obtained leave, presented a bill to establish a state road from Carlisle, in Sullivan county, to Spencer, in Owen county, which was read the first time and passed to a second reading to-morrow.

Mr. Boon moved to reconsider the vote taken on rejecting the bill to change the boundary line between the counties of Wayne and Fayette.

Which motion was carried in the affirmative.

The question then recurring on the motion to re-

ject said bill, the same was carried in the affirmative.

Mr. Levenworth, after having obtained leave, presented a bill to promote internal improvements, common schools and the future reduction of taxation; which was read the first time, when Mr. Read of D. and M. moved to reject the same; which motion was carried in the affirmative.

On motion of Mr. Stevens,

Resolved, That the Senate be informed, that the House of Representatives are now ready to enter into the elections ordered for this day, and that seats are prepared on the right hand of the Speaker's chair for the accommodation of the Senate, and that the House of Representatives have, on their part, appointed Mr. De Pauw, teller.

Ordered, That the Clerk inform the Senate thereof.

The following message was received from the Senate, by Mr. Dill their secretary, announcing that the Senate have adopted the following resolution, to wit:

Resolved, That the House of Representatives be informed, that the Senate are now ready to proceed to the election of an Agent of State, for the town of Indianapolis, and also, three Canal Commissioners, and that Mr. Simonson is appointed teller on the part of the Senate.

The Senate came down into the Hall of the House of Representatives, and took their seats on the right of the Speaker's chair, the President of the Senate on the right of the Speaker, when the two houses proceeded, by joint ballot, to the election of an Agent of State for the town of Indianapolis, for the term of three years from and after the 24th of this inst., and on counting the first ballot, it appeared that Benjamin I. Blythe received for that office, seventy-six votes.

Mr. Blythe, having received a majority of the whole number of votes given, was declared duly elected.

The two houses then proceeded to the election of three Canal Commissioners, in pursuance of "an act to establish a canal to connect the navigable waters of the Wabash river, with the navigable waters of the Miami of Lake Erie;" passed at the present session of the General Assembly.

And on counting the first ballot the votes stood thus:—For David Burr, there were 24 votes.

William C. Linton,	31
Samuel Milroy,	33
Samuel Hanna,	33
John Scott,	23
Joseph M. Hayes,	18
William Polk,	13
William Harris,	4
Robert John,	28
Erasmus Powell,	5
James Sprout,	4
W. B. Laughlin,	9

Neither of the above named persons having received a majority of the whole number of votes given, the two houses then proceeded to a second ballot, on counting which the vote stood as follows:

For Samuel Milroy, there were 33 votes.

Samuel Hanna,	42
David Burr,	24
William C. Linton,	26
Robert John,	38
John Scott,	19
Joseph M. Hays,	12
William Polk,	13
W. B. Laughlin,	4
E. Powell,	4
W. Harris,	4
James Sprout,	2

Samuel Hanna having received a majority of the whole number of votes given was declared duly elected. Neither of the other named persons having received a majority of the whole number of votes given, the two houses then proceeded to a third ballot, on counting which the vote stood as follows, viz.

For Samuel Milroy, there were,	29 votes.
Robert John,	51
David Burr,	24
William C. Linton,	22
John Scott,	8
Joseph M. Hayes,	3
William Polk,	7
James Sprout,	1

Robert John having received a majority of the whole number of votes given, was declared duly elected. Neither of the other named persons having received a majority of the whole number of votes given the two houses then proceeded to a 4th ballot for the election of the third and last commissioner; on counting which the vote stood as follows, viz.

For Samuel Milroy, there were,	30 votes.
David Burr,	27
William C. Linton,	21

Neither of the above named persons having received a majority of the whole number of votes given, the two houses then proceeded to a fifth ballot; on counting which the vote stood thus:

For Samuel Milroy, there were,	31 votes:
David Burr,	43
W. C. Linton,	4

David Burr having received a majority of the whole number of votes given, was declared duly elected.

The senate then retired to their chamber,

And then the house adjourned until two o'clock,
P. M.

2 o'clock, P. M.

The house met pursuant to adjournment.

The following message was received from the Senate, by Mr. Farnham, their assistant secretary, announcing that the senate have adopted a joint resolution of the General Assembly relative to the northern boundary of the state of Indiana, which originated in the house of representatives.

They concur in the amendment proposed by the house of representatives to the engrossed bill of the senate entitled an act to amend the law regulating grist mills and millers.

The senate recede from their disagreement to so much of the first amendment made by the house of representatives to a bill of the senate entitled an act to amend an act entitled an act to regulate the militia of the state of Indiana, as strikes out the first section of the original bill, and concur in such striking out.

They recede from so much of their amendment to the eighth amendment of the house of representatives, as relates to regimental musters, but insist on that part of their amendment to the said amendment which relates to company musters, and they insist on that part of their amendment to said amendment which relates to notices required to be given by captains or commanding officers of companies. They have passed the following bills of the house of representatives entitled acts, viz:

An act supplemental to an act providing for the incorporation of towns, approved 30th Jan'y, 1824, in aid of the trustees and corporation of New Albany.

An act to amend the act concerning the auditor of public accounts and treasurer of state.

An act to amend the act entitled an act to incorporate the town of Charlestown; and

An act to dissolve the banns of matrimony between John C. Brown and Polly Brown his wife.

All without amendment.

They have passed an engrossed bill entitled an act for the relief of Joseph Campbell; in which the concurrence of the house of representatives is requested.

Mr. Long moved that this house recede from their disagreement to that part of the amendment made by the senate to the 8th amendment made by this house to the bill of the senate to amend the militia law; which amendment of the senate was by striking out the words following: "There shall be a company muster in the month of April, at such time and place as the commandants thereof may direct," and inserting the words following in lieu thereof:

"There shall be a company muster in each and every year on the second Saturday in April."

And the ayes and noes being required on the motion to recede from our disagreement by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Allen, Annable, Bassett, Beard, Boon, Brown, Claypool, Decoursey, Elliott, Hendricks, Huntington, Irwin, Jackson, Johnson of P. Johnston of V. & W. Jones, Kinnard, Levenworth, Lewis, Little, Lomax, Long, Marshall, Matlock, M'Clure, M'Kinney, M'Pheeters, Newell, Pabody, Percy, Pollock, Read of D. and M. Reid of F. Roberts, Smiley, Stapp, Steele, Stevens, Veatch, Watts, Work and Worth—42

And those who voted in the negative are,

Messrs. Adams, Blair, Craig, De Pauw, Lemon, Spann, Wallace and Moore, Speaker—8.

And so said motion was carried in the affirmative.

Mr. Long moved that this house recede from their disagreement to the third amendment made by the senate to the 8th amendment made by this house to the bill of the senate to amend the militia law; which amendment of the senate was by inserting the words following, after the word "annually," in the 19th line of the 10th section of said bill, viz: "at which muster it shall be the duty of the captain or commanding officer of such company, to give notice to his company of the times and places of holding all musters and courts of assessment for that year, where it may be the duty of any of his company to attend which, and shall be all the notice required."

And the ayes and noes being required on said motion by two members, the same are as follows, viz:

Those who voted in the affirmative are,

Messrs. Adams, Allen, Annable, Bassett, Beard, Blair, Boon, Brown, Claypool, Clendenin, Decoursey, Elliott, Hendricks, Huntington, Irwin, Jackson, Johnson of P. Jones, Kinnard, Levenworth, Lewis, Lomax, Long, Matlock, M'Clure, M'Kinney, Newell, Percy, Pollock, Read of D. and M. Roberts, Slaughter, Smiley, Stapp, Steele, Stevens, Veatch and Watts—38.

And those who voted in the negative are,

Messrs. Craig, De Pauw, Graham, Howk, Johnston of V. and W. Lemon, Little, Marshall, M'Pheeters, Pabody, Reid of F. Spann, Wallace, Wilson, Work and Moore, Speaker—16.

And so said motion was carried in the affirmative.

Ordered, That the Clerk inform the Senate of the above.

The engrossed bill from the senate mentioned in the above message, was read the first time and passed to a second reading to-morrow.

The house took up and proceeded to consider the orders of the day.

The bill for the relief of Robert Martin;

The joint resolution on the subject of certain mail routes; and

The bill vacating the town of Greenfield, in the county of Vigo, were severally read the second time and ordered to be engrossed and read the third time to-morrow.

The engrossed bill attaching a part of the county of Greene to the county of Sullivan, was read the third time; and the question being put, shall said bill pass?

And the ayes and noes being required thereon, by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Allen, Annable, Boon, Brown, Claypool, Elliott, Hendricks, Huntington, Irwin, Jackson, Johnson of P. Johnston of V. and W. Jones, Levenworth, Lewis, Lomax, Long, Marshall, Matlock, M'Kinney, Pabody, Pearcey, Read of D. & M. Reid of F. Roberts, Stapp, Steele and Veatch—28.

And those who voted in the negative are,

Messrs. Adams, Beard, Bassett, Blair, Clendenin, Craig, Decoursey, De Pauw, Graham, Hawk, Kinnard, Lemon, Little, M'Clure, M'Pheeters, Newell, Pollock, Slaughter, Smiley, Spann, Wallace, Watts, Wilson, Work and Moore, Speaker—25.

And so said bill passed.

Ordered, That the same be entitled "an act," and

that the clerk carry the same to the senate, and ask their concurrence therein.

The engrossed bill to amend the several acts regulating the judicial circuits, and fixing the times of holding courts therein; and

The engrossed bill from the senate, entitled an act providing for printing and distributing the laws and journals of the present General Assembly, were read the third time and passed.

Ordered, That the first named bill be entitled "an act," and that the clerk carry the same to the senate and ask their concurrence therein; and also that he inform the senate of the passage of the last named bill.

The following message was received from the senate, by Mr. Dill, their secretary, viz:

MR. SPEAKER,—I am instructed by the senate, to inform the house of representatives, that the senate have passed bills of the following titles, to wit:

An engrossed bill respecting a county seminary and the seminary funds of the county of Switzerland.

An engrossed bill supplemental to the act entitled an act to establish a board of trustees for the promotion of schools and education in Clark's grant.

An engrossed bill to establish a state road from Shelbyville, to intersect the Madison state road in the county of Jennings, from the house of representatives, without amendment; and have passed the following engrossed bill of the senate, to wit:

An act to establish a loan office for the state of Indiana.

In which last mentioned bill they ask the concurrence of the house of representatives.

The engrossed bill from the senate entitled an act to establish a loan office for the state of Indiana, was read the first time, and passed to a second reading to-morrow.

The house resumed the consideration of the en-

grossed bill from the senate, entitled an act to amend the act entitled an act amendatory of the law and for the better advancement of Justice, approved January 20th, 1826, and the amendments made thereto in committee of the whole.

Mr. Bassett moved to postpone the further consideration of said bill and amendments indefinitely.

Which motion was decided in the negative.

The house agreed to the first, second and third amendments made in committee of the whole to said bill.

The question being put, will the house concur in the fourth amendment made to said bill in committee of the whole; which reads in the words following, viz:

Sec. 8. "That there shall be one battalion muster in each and every battalion of the militia of this state, in each and every year, to be holden at such times and places as the commandants of regiments may direct."

And the ayes and noes being required by two members, on the question to concur in said amendment, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Clendenin, Craig, Howk, Lemon, Marshall, Reid of F., Wallace and Wilson—8.

And those who voted in the negative are,

Messrs. Allen, Annable, Beard, Bassett, Blair, Boon, Brown, Claypool Decoursey, De Pauw, Elliott, Graham, Hendricks, Huntington, Irwin Jackson, Johnson of P. Johnston of V. and W. Jones, Judah, Kinnard, Levenworth, Lewis, Little, Lomax, Long, Matlock, M'Clure, M'Kinney, M'Pheeters, Newell, Pabody, Percy, Pollock, Read of D. and M., Roberts, Slaughter, Smiley, Spann, Stapp, Steele, Stevens, Veatch, Watts, Work, Worth & Moore Speaker—47.

And so the house refused to agree to said amendment.

The amendments to said bill were then ordered to be engrossed, and with said bill read a third time to-morrow.

The house resolved itself into a committee of the whole on the bill to establish a state road from Indianapolis, by the way of Danville and Rockville to Montezuma, and an engrossed bill from the senate entitled an act authorizing the marking and viewing certain state roads, and also sundry petitions referred to the same committee; and after some time spent therein, the speaker resumed the chair, and Mr. Stevens reported said bills with amendments.

And then the house adjourned until to-morrow morning nine o'clock.

TUESDAY MORNING, JANUARY 15, 1828.

The house met pursuant to adjournment.

Mr. Kinnard presented a petition of Austin W. Morris, of Indianapolis, praying compensation for certain services rendered in copying and forwarding, to the different counties, lists of relinquished lands.

Which was read and referred to the committee on claims.

Mr. Clendenin from the committee of ways and means, reported a bill making specific appropriations for the year 1828.

Which was read the first time and passed to a second reading to-morrow.

Mr. McClure from the select committee to whom was referred the petition of Homer Johnson and others, of the borough of Vincennes, made the following report thereon, viz.

The select committee to whom was referred, the petition of Homer Johnson and others, of Knox

county, praying to be exempt from working on certain roads therein named, have had the same under consideration, and have directed me to report, that they deem it inexpedient to legislate upon that subject at this time; and therefore ask to be discharged from the further consideration thereof.

Which report was read and agreed to by the house.

Mr. Claypool, from the select committee to whom was referred the petition of the shareholders of the Connersville library association, reported a bill to dissolve said association; which was read the first time and passed to a second reading to-morrow.

Mr. Marshall from the joint committee for enrolled bills, made the following report, viz.

The joint committee for enrolled bills did, on this day present to his Excellency the Governor, for his approval and signature, the following enrolled bills, entitled acts and a memorial and joint resolution, to wit:

An act making further provision for the sale of the Seminary townships of land in the counties of Gibson and Monroe, and for other purposes;

An act attaching a certain territory to the counties therein named;

An act to amend an act entitled "an act to provide for the partition of real estate," approved January 2d, 1824;

An act to divorce Sarah Pettengill from her husband James Pettingell; Also,

A memorial and joint resolution on the subject of the National Road.

Mr. Long, from the select committee to whom was referred, the petition of Elijah Miles and others, made the following report thereon, viz.

The select committee to whom was referred the petition of Elijah Miles and others, of Rush county, praying part of said county may be attached to

Hancock county, have had the same under consideration; and also a resolution instructing them to make an estimate of the number of square miles in Rush county, have examined the situation of said county, and have ascertained that it does not contain more than 400 square miles, and consider it inexpedient to legislate thereon, and therefore ask to be discharged from the further consideration thereof.

The above report was read and concurred in by the house.

Mr. Huntington, after having obtained leave, presented a joint resolution, authorising the Secretary of State, to deliver to the Wabash and Miami Canal Commissioners, a copy of Strickland's Reports; which was read the first time and passed to a second reading to-morrow.

The house took up and proceeded to consider the orders of the day.

The bill to establish a state road from Carlisle, in Sullivan county, to Spencer in Owen county, was read the second time and ordered to be engrossed and read the third time to-morrow.

The engrossed bill, from the Senate, entitled an act for the relief of Joseph Campbell, was read the second time and ordered to a third reading to-morrow.

The engrossed bill, from the Senate, entitled an act to establish a loan office for the state of Indiana, was read the second time and committed to a committee of the whole house to-morrow.

The engrossed bill vacating the town of Greenfield in the county of Vigo;

The engrossed bill for the relief of Robert Martin; And

The engrossed joint resolution relative to certain mail routes, were severally read the third time and passed.

Ordered, That said bills be entitled "acts," and

that the Clerk carry the same and said joint resolution to the Senate, for their concurrence.

The engrossed bill, from the Senate, entitled an act to amend the act entitled an act amendatory of the law and for the better advancement of justice, approved, January 20, 1826, was read the third time and passed, as amended.

Ordered, That the Clerk carry the same to the senate and ask their concurrence in said amendments.

The house resumed the consideration of the bill to establish a state road from Indianapolis, by way of Danville and Rockville, to Montezuma; and the engrossed bill, from the Senate, entitled an act to mark and view certain state roads, and the amendments made to said bills in committee of the whole.

The amendments made to said bills were severally read at the clerk's table, and concurred in by the house, except the first amendment to the first named bill; which was not concurred in by the house.

Mr. Matlock moved further to amend the first named bill, by the addition of the following; which if adopted, would constitute another section thereto, viz:

"That the sum of \$500 be, and the same is hereby appropriated out of the fund due from the state to the three per cent. fund, for the purpose of opening and improving said road; and that the treasurer of state is hereby authorised and required to pay the same over to the commissioners appointed by this act, whose duty it shall be to receive the same, and apply it to the best advantage for the above purpose."

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Allen, Blair, Boon, Clendenin, De Pauw, Her-

Gricks, Jackson, Judah, Kinnard, Levenworth, Lewis, Long, Marshall, Matlock, Pabody, Percy, Roberts, Slaughter, Spann, Stapp, Steele, Veatch, Wallace and Worth—24.

And those who voted in the negative are,

Messrs. Bassett, Brown, Campbell, Claypool, Decoursey, Elliott, Graham, Huntington, Irwin, Johnson of P. Johnston of V. and W. Jones, Lemon, Lomax, M'Clure, M'Kinney, M'Pheeters, Newell, Pollock, Read of D. and M., Reid of F., Smiley, Stevens, Watts, Wilson and Work—26.

And so said motion was decided in the negative.

Mr. Kinnard moved further to amend said bill, by adding the name of Francis M'Cleland, of Marion county, to the number of commissioners.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Allen, Boon, Brown, De Pauw, Elliott, Graham, Hendricks, Huntington, Johnston of V. and W., Judah, Kinnard, Lemon, Lewis, M'Kinney, Pabody, Percy, Read of D. and M., Reid of F., Roberts, Slaughter, Spann, Stapp, Steele and Stevens—24.

And those who voted in the negative are,

Messrs. Beard, Bassett, Blair, Campbell, Claypool, Clendenin, Decoursey, Irwin, Jackson, Johnson of P., Jones, Levenworth, Lomax, Long, Marshall, Matlock, M'Clure, M'Pheeters, Newell, Pollock, Smiley, Veatch, Wallace, Watts, Wilson, Work and Worth—27.

And so said motion was decided in the negative.

Mr. Allen moved further to amend said bill, so as to allow the commissioners mentioned therein, \$1 50 per day, instead of \$1 25.

Which motion was decided in the negative.

Mr. Kinnard moved further to amend said bill, and debate arising thereon,

Mr. Bassett called for the previous question; and the call being seconded by three members, the said previous question was put in the form prescribed by the rules of the house, that is to say: Shall the main question be now put? And it passed in the affirmative.

The said main question, viz: Shall the bill be engrossed and read a third time to-morrow? was then put; and it was carried in the affirmative.

Mr. Long moved further to amend the 2d named bill, viz: The engrossed bill from the senate entitled an act authorizing the marking and viewing certain roads, by striking out the 5th section thereof; which reads in the words following:

"It is hereby made the duty of each of the courts doing county business, in each and every county aforesaid, through which the aforesaid roads shall pass, to allow to each of the commissioners, such compensation in consideration of their services to be by them rendered under the provisions of this act, as they may deem just and reasonable, to be paid out of any monies not otherwise appropriated in their county treasuries: *Provided*, that each county shall pay in proportion only for the distance said road shall pass through their respective counties;" and inserting the following in lieu thereof:

"That each of the commissioners aforesaid, shall be entitled to receive one dollar for every day by them necessarily employed in the discharge of the duties assigned them by this act, out of the debt due from the state to the three per cent. fund, and the agent of the said fund is hereby authorized and required to pay the same over to the said commissioners, upon producing their accounts duly authenticated: *Provided however*, That the whole amount so paid shall not exceed the sum of \$50."

Which motion was carried in the affirmative.

Mr. Kinnard moved further to amend said bill;

and debate arising thereon, the previous question was called for by Mr. Long; and the call being seconded by three members, the said previous question was then put in the form prescribed by the rules of the house, that is to say: Shall the main question be now put?

And it passed in the affirmative.

The said main question, viz: Shall the amendments to said bill be engrossed, and with said bill be read a third time to-morrow? was then put.

And it was carried in the affirmative.

The house resolved itself into a committee of the whole on the bill attaching a part of the county of Shelby to the county of Decatur; and after some time spent therein, the speaker resumed the chair, and Mr. Stevens reported the same with one amendment; which was again read at the clerk's table and concurred in by the house.

Mr. Steele moved to lay said bill on the table.

Which motion was decided in the negative.

Mr. Smiley moved to postpone the further consideration of said bill indefinitely.

Which motion was decided in the negative.

The said bill was then ordered to be engrossed and read a third time to-morrow.

And then the House adjourned to 2 o'clock, P. M.

2 o'clock, P. M.

The house met pursuant to adjournment.

Mr. Worth from the joint committee for enrolled bills, made the following report, to wit:

The joint committee, for enrolled bills, have this day compared the enrolled with the engrossed bills, entitled acts, as follows, to wit:

An act to dissolve the bans of matrimony between John C. Brown and Polly Brown his wife.

An act to amend the law regulating grist mills and millers.

An act for the benefit of Henry Markle.

An act to amend the act entitled an act to incorporate the town of Charlestown.

An act to incorporate the Indianapolis steam mill company.

An act supplementary to an act entitled an act providing for the incorporation of towns, approved 30th January, 1824, in aid of the trustees and corporation of New-Albany.

An act to amend the act concerning the auditor of public accounts and treasurer of state ; also,

A joint resolution relative to the northern boundary of the state of Indiana.

And find the same truly enrolled.

When the speaker signed the said bills and joint resolution.

Ordered, That the clerk carry the same to the senate for the signature of their president.

A message was received from the senate, by Mr. Dill, their secretary, announcing that the senate have passed the following engrossed bills, entitled acts, to wit:

An act designating the boundaries of the counties therein named, and for other purposes;

An act legalizing the proceedings of the board of county commissioners of Shelby county;

In which the concurrence of the house of representatives is requested.

The first named bill from the senate, was read the first time; when

Mr. Elliott moved to reject the same.

Which motion was decided in the negative.

The said bill was then ordered to a second reading to-morrow.

The other bill from the senate, was read the first time, and passed to a second reading to-morrow.

On motion of Mr. Blair,

The committee of the whole house, to whom was

committed the bill attaching a part of the county of Owen to the county of Monroe, was discharged from the further consideration thereof; and

On motion of Mr. Adams,

The further consideration of said bill was indefinitely postponed.

The house resolved itself into a committee of the whole on the bill appointing commissioners to relocate the seat of justice of Crawford county; and after some time spent therein, the speaker resumed the chair, and Mr. Wallace reported said bill without amendment.

The said bill was then ordered to be engrossed, and read a third time to-morrow.

On motion of Mr. Read of D. and M.,

The committee of the whole house to whom was committed the bill for opening and repairing public roads and highways, were discharged from the further consideration thereof.

Mr. Read of D. and M., then moved to postpone the further consideration of said bill indefinitely.

And the ayes and noes being required thereon by by two members, the same are as follows, viz:

Those who voted in the affirmative are,

Messrs. Adams, Allen, Bassett, Blair, Boon, Brown, Campbell, Craig, Decoursey, Graham, Hendricks, Jackson, Johnson of P. Judah, Lemon, Lewis, Marshall, Pollock, Read of D. and M. and Stevens—20.

And those who voted in the negative are,

Messrs. Annable, Beard, Claypool, Clendenin, De Pauw, Elliott, Huntington, Irwin, Johnston of V. and W. Jones, Kinnard, Levenworth, Lomax, Long, Matlock, M'Clure, M'Kinney, M'Pheeters, Newell, Pabody, Percy, Reid of F. Roberts, Slaughter,

Smiley, Spann, Stapp, Steele, Veatch, Wallace, Watts, Wilson, Worth and Moore, Speaker—34.

And so said motion was decided in the negative.

Mr. Stapp then moved to recommit said bill to a committee of the whole house, and make it the order of the day for this day.

Which motion was carried in the affirmative.

The house according to order, resolved itself into a committee of the whole on said bill, and after some time spent therein, the speaker resumed the chair, and Mr. Watts reported progress, and asked leave to sit again.

Which leave was granted by the house.

And then the house adjourned until to-morrow morning nine o'clock.

WEDNESDAY MORNING, JANUARY 16, 1828.

The House met pursuant to adjournment.

A message was received from the senate, by Mr. Farnham their assistant secretary, announcing that the senate concur in the amendments made by the house of representatives to the engrossed bill of the senate, entitled an act to establish a state road from Levenworth, in the county of Crawford, via Bono, to Indianapolis, with an amendment, in which amendment to the amendment the concurrence of the house of representatives is requested.

They have passed an engrossed bill of the house of representatives, entitled an act to incorporate the Montezuma Agricultural and Domestic Manufacturing Association, without amendment.

The amendment made by the senate to the amendment of this house to the first named bill was read and agreed to by the house.

Ordered, That the clerk inform the senate thereof.

A message was also received from the senate, by Mr. Dill their secretary, announcing that the senate have passed an engrossed bill, entitled

An act to divorce Nancy Maddox from her husband David T. Maddox, in which the concurrence of the house of representatives is requested.

The above named bill was read the first time, when

Mr. Percy moved to reject the same,

Which motion was decided in the negative.

On motion of Mr. Boon,

The rules of the house were dispensed with, and said bill was read the second time and passed to a third reading to-morrow.

Mr. Read of D. and M. from the committee on elections, to whom was referred the petition of John Stephenson, of Randolph county, made the following report thereon, viz.

The committee on elections to whom was referred the petition of John Stephenson late constable and justice of the peace for seven years in Scioto township, Pickaway county, Ohio, praying the legislature to give him, annually, hereafter, a copy of the statutes of this state, in return for which he proposes giving a copy of the "Complete Constable, &c." of which he is author, to be filed among the archives of the state for the use of posterity, have had the same under consideration and deem it inexpedient to legislature thereon.

The above report was read and concurred in by the house.

Mr. Stevens from the committee on the judiciary made the following report, viz.

The committee on the judiciary, to whom was committed the following petitions and resolutions, to wit:

1st. A resolution directing an enquiry into the expediency of prohibiting by law, the migration of persons of color into this state;

2d. A petition of the citizens of the town of Madison, on the same subject;

3d. Petition of the heirs of Joseph Howard, deceased, praying for the passage of a law authorizing the sale of a tract of land, and for some other purposes;

4th. An engrossed bill from the senate, entitled an act to suppress certain fraudulent practices;

5th. The petition of William Caldwell, administrator, and Catharine Brownlee, administratrix of the estate of James Brownlee, deceased, and others, praying for authority to sell certain real estate set forth in the petition, belonging to said estate;

6th. A resolution directing the committee to report a bill to this house, providing for the creation of one or more judicial circuits, and for the holding of an additional term of the circuit court in each county, have had those several petitions and resolutions under their consideration, and have directed me to report—That, as to the petition and resolution numbered one and two, on the subject of prohibiting the migration of people of color, it is inexpedient to legislate on that subject. That as to the petition numbered three, an act of the present session of the legislature, has amply provided for the evils complained of by the petitioners; and therefore, further legislation is unnecessary. That as to the petition numbered five, the probate act of the year 1824, has vested in the circuit courts, on the application of guardians, power and authority to order sales of real estate in all such cases as the case presented by the petitioners; therefore, it is not expedient to further legislate on that subject. That as to the engrossed bill from the senate numbered four, that the further consideration thereof ought to

be indefinitely postponed. And as to the resolution numbered six, that it is now too late to mature the subject matter thereof, and pass the same into a law; and therefore, the further consideration thereof is useless at this session of the legislature.

The committee, therefore, recommend the adoption of the following resolution, to wit:

Resolved, That the further consideration of said engrossed bill from the senate, be indefinitely postponed; and that the committee be discharged from any further consideration of the above reported resolutions and petitions, inasmuch as legislation on numbers one, two, three and five is inexpedient; and legislation on number six is not now practicable.

The said report was read and concurred in by the house.

Mr. Levenworth, from the committee on canals and internal improvements, made the following report, to wit:

The committee on canals and internal improvements, to whom was committed a bill to provide for the survey of canal routes within the state of Indiana, and to establish a board of commissioners on internal improvements, a part of the unfinished business of last session, have had the same under their consideration, and recommend the adoption of the following resolution, to wit:

Resolved, That the said bill be postponed until the first Monday in December next.

Which report was read, and concurred in by the house.

Mr. Marshall from the joint committee for enrolled bills, made the following report, viz.

The joint committee for enrolled bills did, on this day present to his Excellency the Governor, for his approval and signature, the following enrolled bills, entitled acts and joint resolution, to wit:

An act to dissolve the banss of matrimony between John C. Brown and Polly Brown his wife.

An act to incorporate the Indianapolis steam mill company.

An act to amend the law regulating grist mills and millers.

An act for the benefit of Henry Markle.

An act to amend the act entitled an act to incorporate the town of Charlestown, in the county of Clark.

An act supplementary to an act entitled an act providing for the incorporation of towns, approved 30th January, 1824, in aid of the trustees and corporation of the town of New-Albany.

An act to amend the act concerning the auditor of public accounts and treasurer of state; also,

A joint resolution relative to the northern boundary of the state of Indiana.

Mr. Worth from the joint committee for enrolled bills, made the following report, to wit:

The joint committee for enrolled bills, report that they have compared the enrolled with the engrossed bills, entitled acts, as follows, to wit:

An act respecting a county seminary, and the seminary funds of the county of Switzerland;

An act supplemental to the act entitled an act to establish a board of trustees for the promotion of schools and education in Clark's grant; and

An act to establish a state road from Shelbyville, to intersect the Madison state road in the county of Jennings; and find the same truly enrolled.

When the Speaker signed said bills.

Ordered, That the clerk carry the same to the senate for the signature of their president.

Mr. Matlock, from the select committee to whom was referred the engrossed bill from the senate entitled an act to authorize the court doing county business in the county of Morgan, to exempt the citi-

zens of said county from paying ferriage, reported the same without amendment; when

Mr. Kinnard moved to amend said bill, by inserting the following, which if adopted, will constitute two additional sections, viz:

Sec. . That hereafter all regularly licensed travelling ministers of the gospel, together with justices of the peace, and jurors, living on the west side of White river in the county of Marion, shall not be compelled to pay ferriage at the public ferry on said river at Indianapolis, when crossing the same in the discharge of the duties assigned them by law.

Sec. . That the militia residing on the west side of said river, shall be entitled to claim the same exemption from ferriage at said ferry, when ordered to attend any regimental muster at Indianapolis: Provided, that the amount of said ferriage shall be defrayed out of the rents of said ferry; and the occupier thereof, shall keep an account of the same, which he shall annually submit to the agent of state, who shall credit the said occupier for such sum as may be due him under the provisions of this act.

Mr. Little moved to amend said proposed amendment, by striking out the proviso to the last section thereof; and

On motion of Mr. Stapp,

The further consideration of said bill, with its proposed amendments, were indefinitely postponed.

Mr. Lemon, from the select committee to whom was referred the petitions of Joseph Carr and others, and of William D. Wilson and others, citizens of Clark county, praying Silver creek may be declared a public highway from its mouth to Preston's fork, reported a bill in pursuance of the prayer of the petitioners; which was read the first time, and passed to a second reading to-morrow.

Mr. Adams, from the select committee to whom was referred the engrossed bill from the senate enti-

bled an act to continue the state road from Bono to Terre-Haute, reported that they had had the same under consideration, and recommend the adoption of the following resolution, viz:

Resolved, That the further consideration of said bill be indefinitely postponed.

Which report was read and concurred in by the house.

Mr. Pabody, from the select committee to whom was referred the resolution of this house requiring an examination of the business on the files thereof, and an enquiry when and on what day the present session may be closed without detriment to the public service, reported—That they have performed that duty, and are of opinion that the public service will require a continuance of the session until Thursday, the 24th inst.; and therefore recommend the adoption of the following resolution, viz:

Resolved, That this house will adjourn, SINE DIE, on Thursday, the 24th inst., and that the senate be informed thereof, and the adoption of a similar resolution on their part requested.

Mr. Graham moved to lay said report and resolution on the table.

Which motion was carried in the affirmative.

The house took up and proceeded to consider the orders of the day.

The bill making specific appropriations for the year 1828, was read the second time, and committed to a committee of the whole house to-morrow.

The bill to dissolve the Connersville Library association, and the joint resolution to provide the Wabash and Miami canal commissioners with a copy of Strickland's reports, were read the second time and ordered to be engrossed and read a third time to-morrow.

The engrossed bill from the senate, entitled an act legalizing the proceedings of the board of coun-

ty commissioners of Shelby county, was read the second time, and ordered to a third reading to-morrow.

The engrossed bill from the senate entitled an act designating the boundaries of the counties therein named, and for other purposes, was read the second time; when

Mr. Reid of F. moved to postpone the further consideration of said bill indefinitely.

And the ayes and noes being required thereon, by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Adams, Allen, Bassett, Blair, Campbell, Claypool, Clendenin, Decoursey, Elliott, Graham, Hendricks, Hawk, Irwin, Jackson, Johnson of P. Jones, Little, Long, Marshall, M'Kinney, M'Pheeters, Newell, Pabody, Reid of F. Slaughter, Smiley, Stapp, Stevens, Wallace, and Work—30.

And those who voted in the negative are,

Messrs. Beard, Boon, Brown, De Pauw, Huntington, Johnston of V. and W. Judah, Kinnard, Levenworth, Lewis, Lomax, Matlock, M'Clure, Pearcy, Pollock, Read of D. & M., Roberts, Spann, Steele, Veatch, Watts, Wilson, Worth and Moore, Speaker—24.

And so said motion was carried in the affirmative.

The engrossed bill attaching a part of the county of Shelby to the county of Decatur, was read the third time; when

Mr. Smiley moved to recommit said bill to a select committee, with instructions so to amend the same that Decatur county shall include all surplus territory, and that no part of Shelby county shall be included in said bill.

Which motion was carried in the affirmative.

Ordered, That Messrs. Hendricks, Smiley, Matlock and Blair be that committee.

The engrossed bill to establish a state road from Indianapolis, by way of Danville and Rockville, to Montezuma;

The engrossed bill to establish a state road from Carlisle in Sullivan county, to Spencer in Owen county; and

The engrossed bill from the senate entitled an act for the relief of Joseph Campbell, were severally read the third time and passed.

Ordered, That the two first mentioned bills be entitled "acts," and that the clerk carry the same to the senate and ask their concurrence therein; and that he inform them of the passage of the last mentioned bill.

The engrossed bill appointing commissioners to relocate the seat of justice in Crawford county, was read the third time; and the question being put, shall said bill pass?

And the ayes and noes being required thereon by two members, the same are as follows, viz:

Those who voted in the affirmative are,

Messrs. Adams, Allen, Beard, Bassett, Boon, Brown, Decoursey, Elliott, Johnston of V. and W., Jones, Judah, Kinnard, Lemon, Levenworth, Lomax, Long, Pabody, Pollock, Reid of F. Spann, Stapp, Watts, Worth and Moore, Speaker—24.

And those who voted in the negative are,

Messrs. Annable, Blair, Campbell, Claypool, Clendenin, Craig, De Pauw, Graham, Hendricks, Howk, Huntington, Irwin, Jackson, Johnson of P., Lewis, Little, Marshall, Matlock, M'Clure, M'Kinney, M'Pheeters, Newell, Percy, Read of D. and

M., Roberts, Steele, Stevens, Veatch, Wallace, Wilson and Work—31.

And so said bill was lost.

And then the House adjourned to 2 o'clock, P. M.

2 o'clock, P. M.

The house met pursuant to adjournment.

The engrossed bill from the senate entitled "an act authorizing the marking and viewing certain roads," was read the third time as amended, and passed.

On motion of Mr. Beard,

The title of said bill was amended so as to read "an act to establish a road from Newcastle in Henry county, to Lafayette in Tippecanoe county."

Ordered, That the clerk carry the same to the Senate and ask their concurrence in said amendments.

The house again resolved itself into a committee of the whole on the bill for opening and repairing public roads and highways; and after some time spent therein, the speaker resumed the chair, and Mr. Wilson reported the same with several amendments; which were concurred in by the house generally.

Mr. Long moved to postpone the further consideration of said bill indefinitely.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Allen, Bassett, Blair, Boon, Brown, Clendenin, Decoursey, Graham, Jackson, Kinnard, Lavenworth, Lewis, Long, Pollock, Roberts, Veatch, Wallace and Worth—18.

And those who voted in the negative are,

Messrs. Adams, Annable, Beard, Campbell Claypool, Craig, De Pauw, Elliott, Hendricks, Hawk, Irwin, Johnson of P. Johnston of V. & W., Jones, Lemon, Little, Lomax, Marshall, Matlock, M'Clure, M'Kinney, M'Pheeters, Newell, Pabody, Percy, Read of D. and M. Reid of F. Slaughter, Smiley, Spann, Stapp, Steele, Stevens, Watts, Wilson, Work and Moore, Speaker—37.

And so said motion was decided in the negative.

Mr. Worth moved further to amend said bill, by adding the following as a proviso to the last section, to wit: "*Provided however*, That nothing in this act shall prevent the board of justices of Randolph, Orange, Union, Crawford, Pike, Monroe and Sullivan counties, from working the roads in the manner now authorized by law."

Which motion was carried in the affirmative.

Mr. De Pauw moved to lay said bill on the table;

Which motion was decided in the negative.

Mr. De Pauw moved further to amend said bill, by the addition of the following as a proviso to the 15th section, viz:

Provided, That resident freeholders shall have the privilege of discharging by work in the road district in which he resides, all such road tax as may be charged against his property within the county in which he so resides.

Which motion was decided in the negative.

The said bill was then ordered to be engrossed and read the third time to-morrow.

And then the house adjourned until to-morrow morning nine o'clock.

THURSDAY MORNING, JANUARY 17, 1828.

The House met pursuant to adjournment.

Mr. Work presented a petition of John Milroy and H. S. Handy, praying compensation for services rendered, as visitors of the states' prison, at Jeffersonville, under an appointment of the Executive of state, which was read and referred to the same committee of the whole house to which was committed the bill making specific appropriations for the year 1828.

Mr. Clendenin presented a claim of W. W. Wick for similar services, which was read and referred to the committee on claims.

The Speaker laid before the house a claim of Samuel Merrill, treasurer of state, praying an allowance for certain monies paid out by him for the use of the state, which was read and referred to the committee on claims.

Mr. Bassett from the select committee to whom was referred the petition of John Kelsoe and others, made the following report thereon, viz.

The select committee to whom was referred the petition of John Kelsoe and others, relative to the state road leading from Lawrenceburgh to Brookville, have had the same under consideration, and a majority of that committee have directed me to report that the prayer of said petitioners ought not to be granted, they therefore ask to be discharged from the further consideration thereof.

The above report was read and concurred in by the house.

Mr. Hendricks from the select committee to whom was recommitted the engrossed bill attaching a part of the county of Shelby to the county of Decatur, with certain instructions, reported said bill with an amendment agreeable to said instructions, which was read twice and agreed to by the house.

Said bill was then ordered to be re-engrossed and read a third time to-morrow.

A message was received from the senate, by Mr. Dill their secretary, announcing that the senate concur in so much of the amendments made by the house of representatives to the bill, from the senate, entitled an act to amend the act amendatory of the law and for the better advancement of justice, approved January 20, 1826, as is embraced in amendments Nos. 1, 2, 5 and 7. The 4th amendment to the same by adding thereto the following: Provided the same would have been legal and proper had they been done at the proper times for holding said courts; but refuse to concur in the 3d and 6th amendments to said bill.

They have passed the following engrossed bills from the house of representatives, entitled acts to wit:

An act amendatory of the act entitled an act for the relief of the poor, approved January 30, 1824;

An act making an appropriation for the completion of the house for the Executive of State, and for other purposes, which originated in the house of representatives, both without amendment.

They have passed bills entitled an act supplemental to an act declaring Blue river a public highway;

An act to regulate the licensing of physicians, and to authorise the formation of societies for the advancement of medical science; in which two last mentioned bills, and the amendment to the fourth amendment of the first named bill, the concurrence of the House of Representatives is requested.

The amendment made by the Senate, to the amendment made by this house, to the bill of the senate, amendatory of the law, &c. was read and agreed to by the house.

Mr. Judah moved that this house insist on their

third amendment to the bill of the senate amendatory of the law, &c.; which motion was carried in the affirmative.

Mr. Claypool moved that this house insist on their 6th amendment to said bill.

Which motion was also carried in the affirmative.

Ordered, That the clerk inform the senate thereof.

The engrossed bill from the senate, entitled an act supplementary to the act declaring Blue river a public highway, was read the first time, and passed to a second reading to-morrow.

The engrossed bill from the senate entitled an act to regulate the licensing of physicians, and to authorize the formation of societies for the advancement of medical science, was read the first and second times, the rules of the house having first been dispensed with; and

On motion of Mr. Boon,

Said bill was ordered to lie on the table.

Mr. Marshall, from the joint committee for enrolled bills, made the following report, to wit:

The joint committee on enrolled bills, did on this day, present to his excellency, the Governor, for his approval and signature, the following enrolled bills, entitled acts, to wit:

An act supplemental to the act entitled an act to establish a board of trustees for the promotion of schools and education in Clark's grant;

An act respecting a county seminary and seminary funds of the county of Switzerland;

An act to establish a state road from Shelbyville, to intersect the Madison state road in the county of Jennings.

Mr. Graham moved to take up the report and resolution presented by Mr. Pabody on yesterday; which reads in the words following:

"The select committee, to whom was referred a

resolution of this house requiring an examination of the business on the files thereof, and an enquiry when and what day the present session may be closed, without detriment to the public service, have performed that duty, and have directed me to report, that the public service will require a continuance of the session till Thursday, the 24th instant, and recommend the adoption of the following resolution, viz:

Resolved, That this house will adjourn, SINE DIE, on Thursday, the 24th inst., and that the senate be informed thereof, and the adoption of a similar resolution on their part requested.

Which motion was carried in the affirmative.

The said report was then read, and concurred in by the house.

Ordered, That the clerk inform the senate thereof, and ask the adoption of a similar resolution on their part.

A message was received from the senate, by Mr. Dill, their secretary, announcing that the senate have passed the bill of the house of representatives, entitled "an act for the benefit of the Gibson county seminary," without amendment.

Mr. Levenworth, after having obtained leave, presented a joint resolution on the subject of election districts; which was read the first time; when

Mr. Long moved to reject the same.

Which motion was carried in the affirmative.

Mr. Worth, from the joint committee for enrolled bills, made the following report, to wit:

The joint committee for enrolled bills, report that they have compared the enrolled with the engrossed bills, entitled acts, as follows, to wit:

An act to amend an act entitled "an act to regulate the militia of the state of Indiana, approved, January 20, 1824;

An act to provide for printing and distributing the laws and journals of the present session; and

An act to incorporate the Montezuma agricultural and domestic manufacturing association;

And find the same truly enrolled.

When the speaker signed the said bills.

Ordered, That the clerk carry the same to the senate for the signature of their president.

Mr. Slaughter moved to reconsider the vote of yesterday, ordering to be engrossed the bill for opening and repairing public roads and highways.

Which motion was decided in the negative.

The house took up and proceeded to consider the orders of the day.

The bill declaring Silver creek a public highway from its mouth to Preston's fork, was read the second time; when

Mr. Graham moved to postpone the further consideration thereof until the first Monday in December next; and

On motion of Mr. Lemon,

Said bill was ordered to lie on the table.

The joint resolution to provide the Wabash and Miami canal commissioners with a copy of Strickland's reports, was read the third time and passed.

Ordered, That the Clerk carry the same to the senate and ask their concurrence therein.

The engrossed bill from the senate entitled an act legalizing the proceedings of the board of county commissioners of Shelby county; and

The engrossed bill from the senate entitled an act to divorce Nancy Maddox, from her husband, David T. Maddox, were severally read the third time, and passed without amendment.

Ordered, That the clerk inform the senate thereof.

Messrs. Claypool and Bassett asked to have their names recorded in the negative on the passage of the last named bill.

On motion of Mr. Claypool,

The committee of the whole house to whom was

committed the bill to authorize the trustees of the Fayette county seminary to draw their part of the seminary fund, were discharged from the farther consideration thereof.

The said bill was then committed to the same committee of the whole house to which was committed the bill from the senate, entitled an act to establish county seminaries in the several counties therein named, approved January , 1827.

Mr. Lomax then moved that the several orders of the day which precede the above named bills, be for the present suspended.

Which motion was carried in the affirmative.

The house then resolved itself into a committee of the whole on said bills, and after some time spent therein, the speaker resumed the chair, and Mr. Work reported the said bill of the senate with one amendment, and the said bill of this house without amendment.

The amendment to the first named bill was concurred in by the house.

On motion of Mr. Claypool,

The bill to authorize the trustees of the Fayette county seminary to draw their portion of the seminary fund, was ordered to lie on the table.

Mr. Little moved to amend the first named bill by striking out the 8th section thereof; which reads in the words following:

“That all county seminaries established under the act to which this is an amendment, shall be open and free for common schools, and in which shall be taught all branches of literature as may be authorized by the trustees thereof.”

Which motion was decided in the negative.

Mr. Lomax moved further to amend said bill by adding the words following at the end of the fourth section, viz:

“The distributive share or portion of each county

seminary, of the funds aforesaid, shall be in proportion to the number of polls returned by each county."

Which motion was decided in the negative.

The amendments to said bill were then ordered to be engrossed, and with said bill to be read a third time to-morrow.

And then the house adjourned until two o'clock, P. M.

2 o'clock, P. M.

The house met pursuant to adjournment.

The following message was received from the Governor, by John N. Wick, viz:

Mr. Speaker,

I am instructed, by the Governor, to announce to the House of Representatives, that on the 14th inst. he approved and signed the following acts:

An act supplemental to an act entitled an act for the appointment of county surveyors and their deputies;

An act providing for the repayment of certain monies to the county of Delaware;

An act to extend an act entitled an act to provide for recording brands, ear marks and for posting estrays, in the counties therein named, and for other purposes, approved January 24, 1827;

And on the 16th inst.

An act to divorce Sarah Pettengill from her husband James Pettengill; and

A memorial and joint resolution on the subject of the National Road;

And on this day, January 17,

An act supplementary to an act entitled an act providing for the incorporation of towns, approved 30th January, 1824, in aid of the trustees and corporation of the town of New-Albany.

An act to dissolve the banns of matrimony between John C. Brown and Polly Brown his wife.

An act to amend the act concerning the auditor of public accounts and treasurer of state;

An act to amend the act entitled an act to incorporate the town of Charlestown, in the county of Clark; and

A joint resolution relative to the northern boundary of the state of Indiana; have severally received his approbation and signature, and are now on file in the office of the secretary of state.

A message was received from the senate, by Mr. Farnham, their assistant secretary, announcing that the senate have passed engrossed bills of the house of representatives, entitled acts as follows:

An act for the relief of Caleb Harrison;

An act to locate and open a road from Crawfordsville in Montgomery county, to Indianapolis;

An act relative to limited partnerships;

An act for the benefit of Peter Charley, Elijah Harst and John Watson, late trustees of Congressional township No. 3 south, and range No. 4 east, in the Jeffersonville district;

An act for the relief of purchasers of lots in the town of Indianapolis, which have become forfeited to the state;

The first, third, fourth and fifth without amendment; the second with an amendment; also, an act to amend an act entitled an act to provide for the election of electors of president and vice-president of the United States, with amendments: also, an original bill entitled an act to amend the act entitled an act regulating the jurisdiction and duties of justices of the peace, approved January 20, 1824.

In which last mentioned bill, together with the amendments to the preceding, the concurrence of this house is requested.

The amendment made by the Senate to the second named bill, was read, and agreed to by the house.

Ordered, That the clerk inform the senate thereof.

The amendments made by the senate to the engrossed bill of this house, entitled an act to provide for the election of president and vice-president of the United States, were read and concurred in by the house.

Ordered, That the clerk inform the senate thereof.

The last named bill from the senate, was read the first and second times, the rule of the house having first been dispensed with, and committed to the same committee of the whole house to whom was committed the bill to amend the act subjecting real and personal estate to execution.

Mr. Stevens moved that the several orders of the day which precede the engrossed bill from the senate, entitled an act to amend the several acts now in force relative to assessing and collecting the revenue, and the bill of this house of the same title, be for the present suspended.

Which motion was carried in the affirmative.

The house then resolved itself into a committee of the whole on said bills; and after some time spent therein, the speaker resumed the chair, and Mr. Worth reported the first named bill with several amendments, and the last named bill with one amendment; which was by striking the same out from its enacting clause.

The said amendments were concurred in by the house generally.

Mr. Kinnard moved further to amend said bill, by the addition of the following; which if adopted, would constitute an additional section thereto, viz:

"That the boards doing county business in the several counties in this state be, and they are hereby authorized to assess on each ferry, the property of the state within the limits of their respective counties, not more than \$20 for county purposes."

Which motion was decided in the negative.

Mr. Wilson moved further to amend said bill, by the addition of the following as a proviso to the section thereof, viz: "*Provided however, That nothing in this act or any act to which this is an amendment, shall be so construed as to authorize any court doing county business to levy a tax upon any ferry or other property belonging to the state.*"

Which motion was carried in the affirmative.

Mr. Stapp moved further to amend said bill in the section thereof, by striking out so much thereof as imposes a tax of \$1 00 upon brass clocks.

Which motion was carried in the affirmative.

Mr. Lemon moved further to amend said bill in the section thereof, by striking out so much thereof as imposes a tax on brass and wooden and wooden clocks.

Which motion was carried in the affirmative.

Mr. Stevens moved further to amend said bill in the section thereof, so as to *impose a tax of not more than fifty cents on all clocks not taxed by the laws to which this is an amendment.*

Mr. Stapp moved to amend the proposed amendment so as to *impose a tax not exceeding fifty cents upon all clocks.*

Which motion was carried in the affirmative.

The question recurring on the adoption of the said amendment of Mr. Stevens, as amended;

And the ayes and noes being required thereon, by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Allen, Annable, Beard, Bassett, Campbell, Clendenin, Craig, De Pauw, Howk, Johnston of V. and W., Judah, Kinnard, Lemon, Lewis, Little, Long, Matlock, M'Pheeters, Newell, Pabody, Percy, Read of D. & M., Roberts, Slaughter, Spann, Stapp, Wallace, Wilson, Work and Moore, Speaker—30.

And those who voted in the negative are,

Messrs. Adams, Blair, Boon, Brown, Claypool, Decoursey, Elliott, Graham, Hendricks, Irwin, Jackson, Johnson of P. Jones, Levenworth, Lomax, Marshall, M'Clure, M'Kinney, Pollock, Reid of F. Steele, Stevens, Veatch, Watts and Worth—25.

And so said motion was carried in the affirmative.

Mr. Read of D. and M. moved further to amend said bill in the section thereof, by the addition of the following as a proviso thereto, viz: *Provided*, that any person being the owner of any taxed wooden clock, shall have the privilege of delivering the same to the collector in full discharge of the tax on the same.

Which motion was decided in the negative.

Mr. Stapp moved further to amend said bill, by the addition of the following as a proviso to the section thereof, viz: "*Provided*, that no tax shall be levied on any watch or clock kept for sale by the manufacturer thereof in his store or shop."

Which motion was carried in the affirmative.

Mr. Irwin moved to postpone the further consideration of said bill indefinitely.

And the ayes and noes being required thereon by two members, the same are as follows, viz:

Those who voted in the affirmative are,

Messrs. Decoursey, Irwin and Jones—3.

And those who voted in the negative are,

Messrs. Adams, Allen, Annable, Beard, Bassett, Blair, Boon, Brown, Campbell, Claypool, Clendenin, Craig, De Pauw, Elliott, Graham, Hendricks, Howk, Huntington, Jackson, Johnson of P., Johnston of V. and W., Judah, Kinnard, Lemon, Levenworth, Lewis, Little, Lomax, Long, Marshall, Matlock,

M'Clure, M'Kinney, M'Pheeters, Newell, Pabody, Percy, Pollock, Read of D. and M., Reid of F. Roberts, Slaughter, Spann, Stapp, Steele, Stevens, Veatch, Wallace, Watts, Wilson, Work, Worth and Moore, Speaker—53.

And so said motion was decided in the negative.

The amendments to said bill were then ordered to be engrossed, and with said bill to be read a third time to-morrow.

Mr. Worth, from the joint committee for enrolled bills, made the following report, to wit:

The joint committee for enrolled bills, report that they have compared the enrolled with the engrossed bills, entitled acts, as follows, to wit:

An act amendatory of the act entitled an act for the relief of the poor, approved Jan. 30th, 1824; and

An act making an appropriation for the completion of the house for the Executive of the state, and for other purposes;

And find the same truly enrolled.

When the Speaker signed the said bills.

Ordered, That the clerk carry the same to the senate for the signature of their president.

A message was received from the senate, by Mr. Farnham, their assistant secretary, announcing that the senate have passed an engrossed bill of the house of representatives entitled, "an act to incorporate the Indianapolis and Whitewater turnpike company," with amendments; in which the concurrence of this house is requested. They concur in all the amendments proposed by the house of representatives, to the engrossed bill of the senate entitled, "an act authorizing the marking and viewing certain roads.

The amendments made by the senate to the engrossed bill of this house, entitled an act to incorporate the Indianapolis and Whitewater turnpike company, were read and concurred in by the house.

Ordered, That the clerk inform the senate thereof.
And then the house adjourned until to-morrow morning nine o'clock.

FRIDAY MORNING, JANUARY 18, 1828.

The House met pursuant to adjournment.

Mr. Boon, from the committee on claims, to whom was referred the petition of A. W. Morris, of Indianapolis, made the following report thereon, viz:

The committee on claims, to whom was referred the petition of A. W. Morris, praying an allowance for his services in copying, arranging under proper heads, and the preparing for the several counties, a list of relinquished lands in the Jeffersonville district, report—That they have made an examination into the justice and reasonableness of the claim, and find that it is a separate and distinct charge from the allowance made for tract books, maps, &c. last winter, and that the tract book would have been very incomplete without said relinquishment list; they therefore recommend the adoption of the following resolution, to wit:

Resolved, That the sum of forty dollars be allowed to A. W. Morris, in the specific appropriation bill now before this house, as a compensation for the services rendered by him as above.

The above report was read, and concurred in by the house.

Mr. Kinnard, from the select committee to whom was referred a resolution of this house on the subject of laying off the unorganized territory of this state into counties, &c. made the following report thereon, to wit:

The select committee to whom was referred a resolution of this house on the subject of laying off the unorganized territory of this state into counties, and of procuring from Congress a donation of one quarter section of land for seats of justice within the same, beg leave to report—That they have had that subject under consideration, and on the first proposed measure would remark, that they deem it advisable to adopt the means of carrying it into effect. Among the advantages expected to accrue from the permanent establishment of county boundaries in our vacant territory, your committee enumerate the following: The inducement thereby given to enterprising persons to settle that territory; the judicious location of county seats; the removal of the principal cause of division and discontent which take place in relation to county boundaries when they are fixed after the partial settlement of the country, and which are then sometimes determined by considerations of local and individual interest. Your committee believe the growth and prosperity of many of our county towns are interrupted by contending parties who dispute the propriety of their location; but this measure will enable every new county to procure the most eligible site for a seat of justice within her territory, at an early period of its settlement, before local jealousies and interests have time to arise. Your committee deem it proper to call your attention to an act of Congress, approved May 26, 1824, granting to the counties or parishes of each state and territory of the United States, in which the public lands are situated, the right of pre-emption to quarter sections of land, for seats of justice within the same; and your committee would suggest the propriety of enabling new counties in this state to avail themselves of the advantages of that act: They therefore deem it inexpedient at this late period of the

session, to memorialize Congress on the subject of making any further provision.

Which is respectfully submitted.

The above report was read and concurred in by the house.

The house took up and proceeded to consider the orders of the day.

The engrossed bill from the senate entitled an act supplemental to the act declaring Blue river a public highway, was read the second time; when

Mr. Levenworth moved to postpone the further consideration thereof indefinitely.

Which motion was decided in the negative.

The said bill was then ordered to a third reading to-morrow.

The engrossed bill to dissolve the Connersville library association, was read the third time and passed.

Ordered, That the same be entitled "an act," and that the clerk carry the same to the senate, and ask their concurrence therein.

The engrossed bill for opening and repairing public roads and highways, was read the third time, and amended by consent: And the question being put, shall said bill pass?

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Adams, Annable, Beard, Blair, Boon, Brown, Campbell, Claypool, Craig, Elliott, Graham, Hendricks, Irwin, Johnson of P. Johnston of V. and W., Jones, Lemon, Lewis, Lomax, Long, Matlock, M'Kinney, Newell, Pabody, Percy, Read of D. and M. Reid of F. Smiley, Spann, Stapp, Steele, Stevens, Veatch, Wallace, Watts and Wilson—36.

And those who voted in the negative are,

Messrs. Allen, Bassett, Clendenin, Decoursey, Howk, Jackson, Judah, Kinnard, Levenworth, Little, Marshall, M'Clure, M'Pheeters, Pollock, Roberts, Slaughter, Work Worth and Moore, Sp'r—19.

And so said bill passed.

Ordered, That the same be entitled "an act," and that the clerk carry the same to the senate, and ask their concurrence therein.

Mr. Marshall, from the joint committee for enrolled bills, made the following report, to wit:

The joint committee for enrolled bills, did on this day, present to his excellency, the Governor, for his approval and signature, the following enrolled bills, entitled acts, to wit:

An act to incorporate the Montezuma agricultural and domestic manufacturing association;

An act to provide for printing and distributing the laws and journals of the present session; and

An act to amend an act entitled "an act to regulate the militia of the state of Indiana, approved, January 20, 1824."

A message was received from the senate, by Mr. Farnham, their assistant secretary, announcing that the senate insist on their disagreement to the third and sixth amendments proposed by the house of representatives to the engrossed bill of the senate, entitled an act to amend an act entitled an act amendatory of the law, and for the better advancement of justice.

They have passed the following bills entitled acts, to wit:

An act to incorporate the Franklin cotton manufacturing company, and the Whitewater cotton manufacturing company; and

An act to divorce Elizabeth and Reuben Stout;

In which the concurrence of the house of representatives is requested.

Mr. Judah moved that this house insist on their third amendment to the first named bill in said message, and that a committee of free conference be appointed on the part of this house, to act with a similar committee to be appointed on the part of the senate to take into consideration the disagreeing votes of the two houses on said bill.

Which motion was carried in the affirmative.

Ordered, That Messrs. Judah and Claypool be the committee on the part of this house, and that the clerk inform the senate thereof.

On motion of Mr. Claypool,

Resolved, That this house insist on their sixth amendment made to the first named bill in said message, and that a committee of free conference be appointed on the part of this house, to act with a similar committee to be appointed on the part of the senate, to take into their consideration the disagreeing votes of the two houses on said bill.

Ordered, That Messrs. Claypool and Judah be that committee, and that the clerk inform the senate thereof.

The engrossed bill from the senate entitled an act to incorporate the Franklin cotton manufacturing company, and the Whitewater cotton manufacturing company, was read the first and second times, the rules of the house having first been dispensed with.

Whereupon,

Mr. Boon moved to postpone the further consideration thereof indefinitely.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Boon, Craig, Howk, Johnson of P., Judah, Levenworth, McClure, Watts, and Worth—9.

And those who voted in the negative are,

Messrs. Adams, Allen, Annable, Beard, Bassett, Brown, Campbell, Claypool, Clendenin, Decoursey, Elliott, Graham, Hendricks, Huntington, Irwin, Jackson, Johnston of V. and W., Jones, Kinnard, Lemon, Lewis, Lomax, Long, Marshall, Matlock, M'Kinney, M'Pheeters, Newell, Pabody, Percy, Pollock, Read of D. and M., Reid of F., Roberts, Slaughter, Smiley, Spann, Stapp, Steele Stevens, Veatch, Wallace, Wilson, Work and Moore, Speaker—45.

And so said motion was decided in the negative.

The said bill was then ordered to a third reading to-morrow.

The engrossed bill from the senate entitled an act to divorce Elizabeth Stout and Reuben Stout, was read the first and second times, the rules of the house having first been dispensed with.

Whereupon,

Mr. Lomax moved to postpone the further consideration thereof indefinitely.

And the ayes and noes being required thereon by two members, the same are as follows, viz:

Those who voted in the affirmative are,

Messrs. Allen, Beard, Bassett, Brown, Claypool, Clendenin, Elliott, Howk, Irwin, Johnson of P. Jones, Lemon, Little, Lomax, Pabody, Percy, Reid of F., Steele, Wallace and Worth—20.

And those who voted in the negative are,

Messrs. Adams, Annable, Blair, Campbell, Craig, Decoursey, Graham, Hendricks, Huntington, Jackson, Johnston of V. and W. Judah, Kinnard, Levenworth, Lewis, Long, Marshall, Matlock, M'Clure, M'Kinney, M'Pheeters, Newell, Read of D. and M., Slaughter, Smiley, Spann, Stapp, Veatch, Watts, Wilson, Work, & Moore Speaker—32.

And so said motion was decided in the negative.

The said bill was then ordered to a third reading to-morrow.

The engrossed bill from the senate entitled an act to amend an act entitled an act to establish county

seminaries in the several counties therein named, approved January 26th, 1827; and

The engrossed bill from the senate entitled an act amendatory of the several acts now in force, for assessing and collecting the revenue, were severally read the third time, and passed with amendments.

Ordered, That the Clerk carry the same to the senate and ask their concurrence in the said amendments.

Mr. Worth from the joint committee for enrolled bills, made the following report, to wit:

The joint committee for enrolled bills, report that they have compared the enrolled with the engrossed bills, entitled acts, as follows, to wit:

An act to establish a state road from Newcastle in Henry county, to Lafayette in Tippecanoe county;

An act legalizing the proceedings of the board of county commissioners of Shelby county;

An act for the relief of purchasers of lots in the town of Indianapolis, which have become forfeited to the state;

An act for the benefit of Peter Charley, Elijah Hurst and John Watkins, late trustees of Congressional township No. 3 south, and range No. 4 east, in the Jeffersonville district;

An act for the benefit of the Gibson county seminary;

An act relative to limited partnerships;

An act for the relief of Caleb Harrison;

An act for the relief of Joseph Campbell;

An act to establish a state road from Leavenworth via. Bono to Indianapolis, and for other purposes;

And An act to divorce Nancy Maddox from her husband, David T. Maddox;

And find the same truly enrolled.

When the speaker signed the said bills.

Ordered, That the clerk carry the same to the senate for the signature of their president.

The engrossed bill attaching a part of the county of Shelby to the county of Decatur, was read the third time and passed.

On motion of Mr. Graham,

The title of said bill was amended so as to read "a bill establishing the boundary line of Decatur county."

Ordered, That the same be entitled "an act," and that the clerk carry the same to the senate, and ask their concurrence therein.

The house resolved itself into a committee of the whole on the bill supplementary to the act entitled an act regulating the fees of the several officers and persons therein named; and after some time spent therein, the speaker resumed the chair, and Mr. Adams reported the same with several amendments.

Mr. Bassett then moved to postpone the further consideration of said bill and amendments indefinitely.

And the ayes and noes being required thereon, by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Bassett, Blair, Brown, Campbell, Craig, Decoursey, De Pauw, Elliott, Graham, Hawk, Huntington, Irwin, Jackson, Lemon, Lewis, Little, Lomax, Matlock, M'Kinney, M'Pheeters, Pabody, Pollock, Roberts, Smiley, Stapp, Steele, Stevens, Wallace, Work, Worth and Moore, Speaker—31.

And those who voted in the negative are,

Messrs. Adams, Allen, Annable, Beard, Boon, Claypool, Clendenin, Hendricks, Johnson of P. Johnston of V. and W., Jones, Judah, Kinnard, Levenworth, Long, Marshall, M'Clure, Newell, Percy, Read of D. & M., Reid of F., Spann, Veatch, Watts, and Wilson—25.

And so said motion was carried in the affirmative:

And then the House adjourned to 2 o'clock, P. M.

2 o'clock, P. M.

The house met pursuant to adjournment.

On motion of Mr. Read of D. and M.,

The committee of the whole house to whom was committed the engrossed joint resolution and memorial (from the senate) of the General Assembly of the state of Indiana, to the General Assembly of the state of Ohio, on the subject of connecting the navigable waters of the Wabash river with the navigable waters of the Miami of Lake Erie, was discharged from the further consideration thereof.

The said joint resolution and memorial was then read the third time, and passed.

Ordered, That the clerk inform the senate thereof.

On motion of Mr. Adams,

The committee of the whole house to whom was committed the bill attaching a part of the county of Clay to the county of Owen, was discharged from the further consideration thereof.

Mr. Percy moved to postpone the further consideration of said bill until the first Monday in August next.

And the ayes and noes being required thereon by two members, the same are as follows, viz:

Those who voted in the affirmative are,

Messrs. Allen, Beard, Boon, Brown, Campbell, Decoursey, De Pauw, Elliott, Hendricks, Howk, Irwin, Johnston of V. and W., Lewis, Little, Lomax, Matlock, M'Clure, M'Kinney, M'Pheeters, Pabody, Percy, Reid of F. Roberts, Stapp, Steele, Veatch and Moore, Speaker—27.

And those who voted in the negative are,

Messrs. Adams, Annable, Bassett, Blair, Claypool, Clendenin, Craig, Graham, Jackson, Jones, Judah, Kinnard, Lemon, Levenworth, Long, Marshall, Newell, Pollock, Read of D. and M., Slaughter, Smiley, Spann, Wallace, Watts, Wilson, Work and Worth—27.

And so said motion was decided in the negative.

The said bill was then read the third time; and the question being put, shall said bill pass?

And the ayes and noes being required thereon by two members, the same are as follows, viz:

Those who voted in the affirmative are,

Messrs. Adams, Annable, Bassett, Blair, Boor, Claypool, Clendenin, Craig, Graham, Jackson, Jones, Judah, Kinnard, Lemon, Levenworth, Long, Marshall, Newell, Pollock, Read of D. and M., Slaughter, Smiley, Wallace, Watts, Work and Worth—26.

And those who voted in the negative are,

Messrs. Allen, Beard, Brown, Campbell, Decoursey, De Pauw, Elliott, Hendricks, Howk, Irwin, Johnston of V. and W. Lewis, Little, Lomax, Matlock, M'Clure, M'Kinney, M'Pheeters, Pabody, Percy, Reid of F., Roberts, Spann, Stapp, Steele, Veatch and Moore, Speaker—27.

And so said bill was lost.

On motion of Mr. Claypool,

The committee of the whole house to whom was committed the engrossed joint resolution of the General Assembly of the state of Indiana (from the senate,) on the subject of internal improvements and domestic manufactures, was discharged from the further consideration thereof.

Mr. Stapp moved to amend said joint resolution by inserting after the word "to," in the third line, the word, "especially protect the growth of hemp and wool, and the manufacture of woollens."

Which motion was decided in the negative.

Mr. Bassett moved to reconsider the vote taken on striking out of said resolution, the words following: "to restrain the importation of hemp, raw wool and woollens, and."

Which motion was carried in the affirmative.

The question recurring on the motion of Mr. Stapp to strike out said words, and the ayes and noes being required thereon by two members, the same are as follows, viz:

Those who voted in the affirmative are,

Messrs. Adams, Allen, Beard, Blair, Boon, Brown, Campbell, Clendenin, Decoursey, De Pauw, Graham, Hendricks, Hawk, Jackson, Judah, Lemon, Lewis, Little, Long, Marshall, M'Pheeters, Pollock, Reid of D. and M., Stapp, Stevens, Work and Moore, Sp'r—27.

And those who voted in the negative are,

Messrs. Annable, Bassett, Claypool, Craig, Elliott, Huntington, Irwin, Johnson of P., Johnston of V. and W., Jones, Kinnard, Levenworth, Lomax, Matlock, M'Clure, M'Kinney, Newell, Pabody, Percy, Reid of F. Roberts, Slaughter, Smiley, Spann, Steele, Veatch, Wallace, Watts, Wilson & Worth—30.

And so said motion was decided in the negative.

Mr. Judah moved further to amend said joint resolution, by inserting after the word "woollens," in the fifth line thereof, the words following: "and to prohibit the importation of foreign distilled spirits."

And then the house adjourned until to-morrow morning nine o'clock.

SATURDAY MORNING, JANUARY 19, 1828.

The House met pursuant to adjournment.

Mr. Stevens moved to amend the journal of yesterday, by striking out the words "on the subject of in-

ternal improvements and domestic manufactures," included in brackets at the end of the title of the engrossed joint resolution of the General Assembly of the state of Indiana, from the senate.

Which motion was decided in the negative.

The speaker laid before the house the petition of John Kooch, of Monroe county, praying compensation for his services in arresting a certain fugitive from justice; which was read, and referred to the committee on claims.

Mr. Annable, after having obtained leave, presented a joint resolution of the General Assembly for the relief of C. G. Brown; which was read the first time and passed to a second reading on Monday next.

Mr. Long moved to reconsider the vote heretofore taken postponing indefinitely the further consideration of the engrossed bill from the senate entitled an act designating the boundaries of the counties therein named, and for other purposes.

Which motion was carried in the affirmative.

The question recurring on the motion of Mr. Reid of F. to postpone the further consideration of said bill indefinitely; the same was decided in the negative.

On motion of Mr. Worth,

Said bill was recommitted to a select committee, of Messrs. Worth, Matlock and Allen.

Mr. Stevens moved to reconsider the vote of this house *adhering* to our disagreement to the first amendment made by the senate to the engrossed bill of this house, entitled "an act to amend the act relative to crimes and punishments;" which amendment was by inserting after the word in the section thereof, the words "to which the jury mayir in the discretion, add any number of stripes not exceeding thirty-nine."

And the ayes and noes being required thereon by two members, the same are as follows, viz:

Those who voted in the affirmative are,

Messrs. Adams, Allen, Boon, Brown, Campbell, Craig, Decoursey, De Pauw, Elliott, Hendricks, Irwin, Jackson, Johnson of P., Johnston of V. and W., Little, Lomax, Long, Marshall, M'Clure, M'Pheeters, Newell, Percy, Reid of F., Slaughter, Smiley, Steele, Stevens, Veatch and Wilson—29.

And those who voted in the negative are,

Messrs. Annable, Beard, Bassett, Blair, Claypool, Graham, Howk, Huntington, Jones, Judah, Kinnard, Lemon, Lovenworth, Lewis, Matlock, M'Kinney, Pabody, Pollock, Read of D. and M., Roberts, Spann, Stapp, Wallace, Watts, Work, Worth and Moore, Speaker—27.

The question then recurring on the motion of Mr. Howk, to adhere to our disagreement to said amendment of the senate.

And the ayes and noes being required thereon by two members, the same are as follows, viz:

Those who voted in the affirmative are,

Messrs. Adams, Annable, Beard, Bassett, Blair, Brown, Claypool, Decoursey, Hendricks, Howk, Huntington, Johnston of V. and W., Jones, Judah, Kinnard, Lemon, Levenworth, Lewis, Matlock, M'Kinney, Pabody, Pollock, Read of D. and M., Roberts, Spann, Stapp, Wallace, Watts and Work—29.

And those who voted in the negative are,

Messrs. Allen, Boon, Craig, De Pauw, Elliott, Graham, Irwin, Jackson, Johnson of P., Little, Lomax, Long, Marshall, M'Clure, M'Pheeters, Newell, Percy, Reid of F., Slaughter, Smiley, Steele, Ste-

vans, Veatch, Wilson, Worth and Moore, Sp'r—26.

And so the house continue to *adhere* to their said disagreement.

The following message was received from the Governor, by John N. Wick, viz:

Mr. Speaker,

I am instructed, by the Governor, to announce to the House of Representatives, that

An act to establish a state road from Shelbyville, to intersect the Madison state road in the county of Jennings;

An act supplemental to the act entitled an act to establish a board of trustees for the promotion of schools and education in Clark's grant;

An act respecting a county seminary, and the seminary funds of the county of Switzerland; and

An act to incorporate the Montezuma agricultural and domestic manufacturing association, have on this day, Jan. 19, received his approbation and signature, and are now on file in the office of the secretary of state.

Mr. Marshall from the joint committee for enrolled bills, made the following report, viz:

The joint committee for enrolled bills did, on this day present to his Excellency the Governor, for his approval and signature, the following enrolled bills, entitled acts, viz:

An act relative to limited partnerships;

An act for the benefit of Peter Charley, Elijah Harst and John Watkins, late trustees of Congressional township No. 3 south, and range No. 4 east, in the Jeffersonville district;

An act for the relief of Caleb Harrison;

An act for the relief of Joseph Campbell;

An act to establish a state road from Newcastle in Henry county, to Lafayette in Tippecanoe county;

And An act to divorce Nancy Maddox from her husband, David T. Maddox;

An act legalizing the proceedings of the board of county commissioners of Shelby county;

An act to establish a state road from Levenworth via. Bono to Indianapolis, and for other purposes;

An act for the benefit of the Gibson county seminary;

An act making an appropriation for the completion of the house for the executive of state, and for other purposes;

An act amendatory of the act entitled an act for the relief of the poor, approved Jan. 30th, 1824;

An act for the relief of purchasers of lots in the town of Indianapolis, which have become forfeited to the state.

A message was received from the senate, by Mr. Farnham, their assistant secretary, announcing that the senate adhere to their concurrence in the report of the joint committee of free conference on the disagreeing votes of the two houses relative to the amendments made by the senate to the engrossed bill of the house of representatives, entitled an act to amend the act entitled an act relative to crimes and punishments.

They have passed a joint resolution of this house to provide the Wabash and Miami canal commissioners with a copy of Strickland's reports; also, the following engrossed bills of the house of representatives, entitled acts, viz:

An act to establish a state road from Carlisle in Sullivan county, to Spencer in Owen county; without amendment;

An act to amend the several acts regulating the judicial circuits, and fixing the times of holding courts therein; with amendments; also an engrossed bill entitled an act to amend the act entitled an act providing for the incorporation of towns, approved January 30, 1824; in which last named act

and the amendments to the preceding the concurrence of the house of representatives is requested.

The several amendments made by the senate to the engrossed bill of this house entitled an act to amend the several acts regulating the judicial circuits and fixing the times of holding courts therein, were read and agreed to by the house.

Ordered, That the clerk inform the senate thereof.

The engrossed bill from the senate to amend the law regulating the incorporation of towns, was read the first and second times; the rules of the house having first been dispensed with, and committed to a committee of the whole house on Monday next.

The engrossed bill from the senate entitled an act to divorce Elizabeth Stout and Reuben Stout, was read the third time; and the question being put, shall said bill pass?

And the ayes and noes being required thereon, by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Adams, Annable, Beard, Blair, Campbell, Decoursey, Graham, Hendricks, Huntington, Jackson, Johnston of V. and W., Judah, Kinnard, Levenworth, Lewis, Long, Marshall, Matlock, M'Clure, M'Pheeters, Newell, Pollock, Read of D. & M., Smiley, Spann, Stapp, Stevens, Veatch, Wilson and Moore, Speaker—30.

And those who voted in the negative are,

Messrs. Allen, Bassett, Boon, Brown, Claypool, De Pauw, Elliott, Howk, Johnson of P., Jones, Lemon, Little, Lomax, M'Kinney, Pabody, Percy, Reid of F., Roberts, Slaughter, Steele, Wallace & Watts—22.

And so said bill passed.

Ordered, That the clerk inform the senate thereof.

A message was received from the senate, by Mr. Farnham, their assistant secretary, announcing that the senate have appointed Messrs. Graham and Rariden a committee of free conference to take into consideration, in conjunction with the committee appointed on the part of the house of representatives, the disagreeing votes of the two houses relative to certain amendments made by the house of representatives to the engrossed bill of the senate entitled an act to amend an act entitled an act amendatory of the law, and for the better advancement of justice; and said committee having reported, I am instructed to inform this house that the senate concur in the same.

They have passed bills of the house of representatives, entitled acts, as follows:

An act vacating the town of Greenfield;

An act for the relief of Robert Martin; without amendment: also,

An act to establish a college in the state of Indiana, with an amendment; in which amendment the concurrence of the house of representatives is requested.

The amendment made by the senate to the engrossed bill of this house, entitled an act to establish a college in the state of Indiana, was read, and disagreed to by the house.

Ordered, That the clerk inform the senate thereof.

Mr. Judah from the joint committee of free conference appointed to take into consideration the disagreeing votes of the two houses on the engrossed bill from the senate entitled an act to amend the act entitled an act amendatory of the law, and for the better advancement of justice, made the following report, viz:

The committee of free conference appointed to take into consideration the disagreeing votes of the

two houses on the bill to amend the act entitled 'an act amendatory of the law and for the better advancement of justice, have agreed to strike out the 4th section and insert the following in lieu thereof.

The eleventh section of the act to which this is an amendment shall be deemed and taken to apply to the management of any estate from the granting of letters of administration or letters testamentary, and that suit as in that section is provided may be instituted as well before as after settlement made by the probate court.

They have agreed to strike out the 7th section of said bill and insert in lieu thereof the following, viz.

The probate court shall hold an additional session in their respective counties on the second Mondays in December annually, and may sit three days if the business require it.

The said report was read and concurred in by the house.

Ordered, That the clerk inform the senate thereof.

The engrossed bill from the senate entitled an act to incorporate the Franklin cotton manufacturing company and the White water cotton manufacturing company, and

The engrossed bill from the senate entitled an act supplemental to the act declaring Blue river a public highway, were read the third time and passed without amendment.

Ordered, That the clerk inform the senate thereof.

And then the house adjourned until two o'clock, P. M.

2 o'clock, P. M.

The house met pursuant to adjournment.

The house resumed the consideration of the engrossed joint resolution of the General Assembly of the state of Indiana (from the senate,) on the sub-

ject of internal improvements and domestic manufactures, and the amendment thereto, by Mr. Judah, which was by inserting after the word "and" in the 5th line thereof the words "to prohibit the importation of foreign distilled spirits."

Mr. Boon moved to amend said proposed amendment by striking out the word "prohibit" and inserting the word "restrain" in lieu thereof.

Which motion was carried in the affirmative.

The question being then put, shall said joint resolution be amended as proposed by Mr. Judah?

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Allen, Annable, Beard, Blair, Boon, Campbell, Claypool, De Pauw, Graham, Hawk, Irwin, Johnston of V. and W., Judah, Lemon, Levenworth, Lewis, Lomax, Long, Marshall, M'Pheeters, Newell, Pollock, Read of D. and M. Stevens, Work, Worth and Moore, Sp'r—27.

And those who voted in the negative are,

Messrs. Adams, Brown, Craig, Decoursey, Elliott, Hendricks, Huntington, Jackson, Johnson of P. Jones, Kinnard, Matlock, M'Clure, M'Kinney, Pabody, Percy, Reid of F. Roberts, Slaughter, Smiley, Spann, Stapp, Steele, Veatch, Wallace, Watts and Wilson—27.

And so said motion was decided in the negative.

Mr. Graham moved further to amend said joint resolution in the line by inserting before the word "restrain" the words "so to," and in the line after the word the word "as."

Which motion was carried in the affirmative.

Mr. Judah moved further to amend said joint resolution in the 4th line by inserting after the word "hemp" the words following: "flax and bar iron."

Mr. Irwin moved to lay said joint resolution and proposed amendment on the table.

Which motion was decided in the negative.

The question recurring on the motion of Mr. Judah to amend said joint resolution.

And the ayes and noes being required thereon by two members, the same are as follows, viz:

Those who voted in the affirmative are,

Messrs. Allen, Annable, Blair, Boon, Campbell, De Pauw, Howk, Johnston of V. and W. Judah, Lemon, Levenworth, Lewis, Long, Marshall, M'Pheeters, Pollock, Read of D. and M., Watts, Work and Moore, Speaker—20.

And those who voted in the negative are,

Messrs. Adams, Beard, Brown, Claypool, Craig, Decoursey, Elliott, Graham, Hendricks, Huntington, Irwin, Jackson, Johnson of P. Jones, Kinnard, Lomax, Matlock, M'Clure, M'Kinney, Newell, Pabody, Percy, Reid of F., Roberts, Slaughter, Smiley, Spann, Stapp, Steele, Stevens, Veatch Wallace, Wilson and Worth—34.

And so said motion was decided in the negative.

Mr. Judah moved further to amend said joint resolution in the 4th line by inserting after the word "hemp" the words "and all articles manufactured therefrom:" And debate arising thereon,

Mr. Craig called for the previous question, and the call being seconded by three members.

The said previous question was then put in the form prescribed by the rules of the house, that is to say, Shall the main question be now put?

And it passed in the affirmative.

The said main question, viz: Shall the amendments to said joint resolution be engrossed, and

with the same pass to a third reading? was then put,
And it was carried in the affirmative.

Mr. Howk moved that the amendment to said joint resolution be considered as engrossed, and that the same be read a third time now.

Which motion was carried in the affirmative.

The said joint resolution, viz: The engrossed joint resolution of the General Assembly of the state of Indiana, from the senate, [on the subject of internal improvements and domestic manufactures] was then read the third time; and the question being put, Shall the same pass?

And the ayes and noes being required thereon by two members, the same are as follows, viz:

Those who voted in the affirmative are,

Messrs. Adams, Annable, Beard, Bassett, Blair, Boon, Brown, Campbell, Claypool, Clendenin, Craig, Decoursey, De Pauw, Elliott, Graham, Hendricks, Howk, Huntington, Irwin, Jackson, Johnson of P. Johnston of V. and W. Jones, Kinnard, Levenworth, Lomax, Long, Matlock, M'Clure, M'Kinney, M'Pheeters, Newell, Pabody, Pollock, Percy, Read of D. and M., Reid of F., Roberts, Slaughter, Smiley, Spann, Stapp, Steele, Stevens, Veatch, Wallace, Watts, Wilson, Worth and Moore Speaker—50.

And those who voted in the negative are,

Messrs. Allen, Judah, Lemon, Lewis, Marshall and Work—6.

And so said joint resolution passed as amended.

Mr. Stapp moved to amend the title of said joint resolution so as to read, "A joint resolution of the General Assembly of the state of Indiana, on the subject of internal improvement and domestic manufactures."

Which motion was carried in the affirmative.

Ordered, That the Clerk carry the same to the senate and ask their concurrence in said amendments.

And then the house adjourned until Monday morning, nine o'clock.

MONDAY MORNING, JANUARY 21, 1828.

The house met pursuant to adjournment.

Mr. Judah, on behalf of himself and Messrs. Marshall, Lemon, Work, Lewis and Allen, asked and obtained leave to enter on the journal, the following protest, viz:

The undersigned protest against the joint resolution entitled "A Joint resolution of the General Assembly of the state of Indiana, on the subject of internal improvement and domestic manufactures."

1st. Because in their opinion any effort on the part of the General Assembly to give instructions to the members of Congress from this state, upon subjects of a general, national and not local character, is an assumption of power not conferred upon us by our constituents, and can only be productive of a vain and useless expenditure of the people's money.

2d. Because in their opinion the provisions of this joint resolution are, on the part of this state, impolitic and unwise. The undersigned consider it the duty of the General Government "to extend equal protection to all the great interests of the nation;" and they consider manufactures one of the most important: But they are the representatives of the farmers, the mechanics, and the laborers of Indiana; and as such, think themselves bound to provide in the first instance, for the interest of their own constituents. The people of Indiana are interested in the restriction of the importation of the articles specified in the joint resolution; but they have a much more particular and immediate interest in the exclusion, or at least restriction of the importation of foreign distilled spirits, of which in the year 1825, more than five million of gallons were imported, sufficient to consume in the production of an equivalent quantity of whiskey, more than two million of bushels of corn, the grand staple of Indiana, and now a drug

for the want of a market. The enumeration of certain articles only, "hemp, raw wool and woollens," in the joint resolution, and the exclusion of other articles, in which the people of the western country, and especially of Indiana, have a more immediate and pressing concern, as affecting their own agriculture, &c. will, in the opinion of the undersigned, mislead the representatives of this state in Congress, and the national government; and hence, they conclude, that in this joint resolution the best interests of their constituents are neglected, and that it will be productive of injury to the public.

3d. The undersigned are the friends and advocates of internal improvement, and as such, are determined, as far as in their power may be, to aid the General Government, (again to adopt the language of Mr. Adams in his inaugural address,) "to proceed in the great system of internal improvement within the constitutional power of the Union." But they cannot consent, even for the furtherance of the most beneficial measures, to excite sectional feelings, engender sectional animosities, and array state against state. Believing that such is the tendency of the last clause of the resolution, they protest against it as on that account injurious to the public.

SAM'L JUDAH,
WILLIAM MARSHALL,
JOHN M. LEMON,
JOSEPH WORK,
WM. LEWIS,
ELIPHALET ALLEN.

Mr. Adams asked and obtained leave to withdraw the petition of Sally Rose.

Mr. Clendenin from the committee of ways and means, to whom was referred a resolution of this house of the 17th of December last, made the following report thereon, to wit:

The committee of ways and means, to whom was

referred a resolution of this house, instructing that committee to enquire into the expediency of having the laws and journals of the present session distributed in the month of April, have had the subject under consideration, and find from the contract made with the public printer, that the printing of the laws and journals are to be done in thirty-five days after the rising of the legislature each session; therefore, the committee are of opinion, that it is inexpedient to legislate on that subject at this time, and ask to be discharged from the further consideration thereof.

The said report was read, and concurred in by the house.

Mr. Stevens, from the judiciary committee to whom was referred a resolution of this house of the 7th inst., made the following report thereon, viz :

The Committee on the Judiciary, to whom was committed a resolution of this House, directing an enquiry into the expediency of reducing so much of the common law, including the British statutes, as are now in force in this state; together with the decisions of the chancery courts, to a written text, under proper heads, and divisions, have had that subject under their consideration, and now ask leave respectfully to report :

That they consider the subject embraced by that resolution, a matter of more than ordinary importance, and that it requires much more grave and deliberate consideration, than this committee have bestowed upon it. Codification, and the expediency and practicability of having written codes of laws for the government of mankind, have employed the attention of the ablest jurists, and civilians, of the present age; and all agree, that it is not only expedient, but entirely practicable. Napoleon with the assistance of the jurists and civilians of France, succeeded in establishing a written code for the government of the French Empire; and the state of Louisiana, with the assistance of their Livingston, have reduced their laws to a written code: and the committee cannot see why the state of Indiana, or any other nation of people, cannot reduce their laws to a written text also.

When the state of Indiana adopted her Constitution, and commenced a state government, she had no written laws prepared for the government of her people. To prepare and a-

dopt such a code, required much labour, deliberation, expense, and time: hence the people wisely adopted the common law of England, and all the British statutes in aid thereof, passed prior to the fourth year of James the first; inasmuch as they had no other rule of civil conduct prepared. Those adopted laws, although they furnish the whole rule of our civil conduct, are neither visible, or tangible, to the main body of the people. They are only to be found in digested elementary law books, or in the vast volume of numberless reports of judicial decisions; many of which decisions are contradictory; others are obsolete, and others almost buried in the heterogeneous mass of feudal jargon, nonsense, and tyranny, with which they are intermingled and entwined. The common law of England is a metaphysical essence, which originally consisted of certain feudal traditional customs, but which has, by the force of events, been extended and identified with the government of the country of England; which regulates the prerogative of the king, and rights of the subject, and is considered as the source of various jurisdictions, which makes part of all the civil and political institutions, and is connected with every thing that relates to the government of the nation. On the first settlement and formation of the American colonies, the founders brought with them the common law; which every Englishman regards as his birth-right; but each colony judged for itself what parts of it were fitted to its new situation; and either by legislative provisions, or by judicial decisions, or usage and practice, adopted certain parts and rejected others; so that in no state of the Union is the whole of it received: some have adopted what others have rejected. Under this diversity of common law, the most that can be said, is, that it is the law of each state on any matter where it has not been derogated from; but the common law of one state is not the common law of another, in all things, much less of the United States.

The American revolution has furnished decisive arguments, to those who are opposed to the common law of England, in its unwritten form. It has made written constitutions the basis of government, and legislation, and the constituted authorities have to look to their constitutions, and their legislative acts, for the foundation and measure of their powers. This much having been consummated, why stop the progress of civil jurisprudence and improvement? Why not root out all the vain forms and unmeaning phrases of the ancient feudal system? Why not abolish the inextricable labyrinth of the English practice, and render justice plain and accessible to all? Why not at

once realize the desired object, by reducing the whole body of the laws to a written text, so that every man may see, read and judge for himself, without having to recur to the antiquated decisions of English Judges? It is indeed something astonishing that the American people should submit so long to be governed by such strange usages, transmitted by vague and uncertain tradition, from age to age, without any other authority than judicial decisions. This prodigy may be accounted for in England, by the concentration of all judicial authority at Westminster, in the persons of twelve Judges, who meet and confer on all doubtful cases, and so preserve that uniformity essential to their jurisprudence. But in the United States of America, no such uniformity can be preserved: there are already twenty-four superior, and an almost infinite number of inferior tribunals, over which there is no confederated head, having power to enforce and preserve uniformity.

The divergence of the state courts must soon become extreme, unless they cease to rely upon these blind traditions. The common law may continue to find favor with the English, as a tradition of national antiquities, notwithstanding its shocking defects, and extravagancies. Time has, in that country, affixed its seal to these inconsistencies, and has interwoven an unnatural alliance between them, and the manners and customs of the people. The heterogenous elements are so intermixed, that it is supposed impossible to reform any part, without tearing up by the roots the ancient liberties of England; but the Americans have no such motives for upholding this superstition. They can have better security for their civil and political rights, than obscure traditions beyond the seas. It is by written and unequivocating constitutions, and codes of laws, they will protect that liberty, which, in defiance of those traditional doctrines, they had the courage to achieve. Americans ought to establish a legislation in the true spirit of their fundamental compact: they have all the elements in their own possession. This would be more worthy of them than the seeking the rules of their judicial decisions in the judgments of foreign tribunals.

It is said by many, that to digest or codify the principles of law, so far as they have been determined, will save no labour to the man searching for a rule of civil conduct. That cases would still have to be resorted to, to ascertain the shades of difference in those that have been decided, from those that would arise afresh. Mere general principles, so plain as to be at once acknowledged, would be too loose for practical purposes. To

this it may be replied, that reported cases may all be reduced to two classes. First, those which serve as the basis of general principles. Second, those which contain circumstances of limitation, enlargement, or variation, that render the application of general principles difficult, or that compel them to be modified when applied to cases before the court: under these two heads, all cases whatever may be classed. Now it is manifest that a written code would save all the first class, and would render useless a great part of the second class. And if every thing that is wished for cannot be done, ought we therefore to abandon all improvements in despair, and do nothing?

A digested code of plain, undeniable, legal principles, founded on the morality of common sense, applied to every day transactions, might render the whole community wiser, better, more prudent, more cautious, and less litigious. Men would better be able to judge when they ought, and when they ought not to go to law; they would be better jurors, better arbitrators, wiser and better citizens.

The committee, without attempting to discuss the real merits of the enquiry, have sketched this hasty and undigested report—hoping thereby to elicit further discussion of those points by the people generally, or by some future legislative body.

With these remarks, the committee ask to be discharged from any farther consideration of the subject.

The above report was read at the clerk's table and concurred in by the house.

Mr. Craig, from the committee of claims, to whom was referred the following claims, to wit:

1st. Of Samuel Merrill, treasurer of state, for certain monies expended by him, in advertising sales of the seminary lands in Gibson and Monroe counties; for procuring certain printing for the use of the state; for stationary for the use of the treasurer's office, and for the amount of his official postage for 1827.

2d. Of William W. Wick, secretary of state, for certain services rendered by him, in obedience to a resolution of the senate of the 16th Dec., 1826, (see journal of the senate of last year, pages 57 and 58;) also, for travelling to Jeffersonville to examine the state prison, and to make a contract with the superintendant thereof, together with the services to be

rendered by him in copying the laws of the present session, superintending the printing of the same, making notes and index thereto, and packing up the copies of the same and the journals for distribution.

3d. The claims of John Milroy and Henry S. Handy, for services rendered by them as a committee to inspect the state prison, together with the claim of John Kooch, for apprehending and carrying to the state prison, John Adamson a convict who had escaped therefrom, reported that said committee had had the said several subjects under their consideration, and were of opinion that said claims were just, and ought to be allowed, and provision made for their payment as follows, in the specific appropriation bill, viz:

To Samuel Merrill, treasurer of state, for certain monies expended by him in advertising sales of the seminary lands of Gibson and Monroe counties; for procuring certain printing for the use of the state; for stationery for the use of the treasurer's office, together with the amount of his official postage for the year 1827, the sum of \$88 50.

To William W. Wick, for services to be rendered by him in copying the laws and joint resolutions of the present session, superintending the printing of the same, making notes and index thereto, and packing up the copies of the acts and journals of the present session for distribution, the sum of \$100.

To same for services rendered in inspecting the state prison, and going to Jeffersonville to make a contract with the superintendant thereof, the sum of thirty dollars.

To John Milroy and Henry S. Handy, for their services, as a committee appointed by his Excellency, the Governor, to examine the situation of the state prison, the sum of \$22.

To John Kooch, for apprehending and conveying to the state prison, John Adamson, a convict who had escaped from the same, the sum of \$25.

The committee of claims have also agreed to allow to Samuel Merrill, treasurer of the state, for his services in receiving seminary money, at the rate of \$3 per \$1000.

The above report was read, and referred to the same committee of the whole house to whom was committed the bill making specific appropriations for the year 1828.

Mr. Worth from the select committee to whom was referred the engrossed bill from the senate entitled an act designating the boundaries of the counties therein named, and for other purposes, reported the same with one amendment; which was twice read, and concurred in by the house.

The said amendment was then ordered to be engrossed, and with said bill read a 3d time to-morrow.

On motion of Mr. Read of D. and M.,

The house took up and proceeded to consider the bill from the senate entitled an act to provide for the relocation of the seat of justice of Martin county, and extending the boundaries thereof.

Mr. Johnson of P. moved to amend the same by striking out the name of "John Lowry, of Lawrence county," in the first section, and inserting that of "Simon Morgan, of Dubois county," in lieu thereof.

Which motion was carried in the affirmative.

The said bill was then ordered to a third reading to-morrow.

A message was received from the senate, by Mr. Farnham, their assistant secretary, announcing that the senate insist on the amendment proposed by them to the engrossed bill of the house of representatives entitled an act to establish a college in the state of Indiana, to which the house of representatives have disagreed, and have appointed Messrs. Fletcher and Rariden a joint committee of free conference, to take into consideration the disagreeing votes of the two houses in relation to said amend-

ment, and request the appointment of a similar committee on the part of this house.

On motion of Mr. Elliott,

Resolved, That this house insist on their disagreement to the amendment made by the senate to the bill of this house, entitled an act to establish a college in the state of Indiana, and that a committee of free conference be appointed on the part of this house, to act with the committee appointed on the part of the senate, to take into consideration the disagreeing votes of the two houses on said bill.

Ordered, That Messrs. Stapp and Wilson be that committee on the part of this house, and that the clerk inform the Senate thereof.

Mr. Hendricks moved to reconsider the vote taken on the passage of the engrossed bill to attach a part of the county of Clay to the county of Owen; which motion was decided in the negative.

A message was received from the senate, by Mr. Farnham, their assistant secretary, announcing that

The senate have passed an engrossed bill of the house of representatives, entitled an act to dissolve the Connersville library association, without amendment;

Also, an original bill entitled an act to enable the inhabitants of the Congressional townships, in the several counties in this state, to express their *assent* or *dissent* to the sale of the sixteenth section in their respective townships; Also,

A joint resolution of the General Assembly, relative to petitioning Congress for a change in the compact between this state and the United States; Also,

An engrossed bill entitled an act to divorce Margaret Corbin, formerly Margaret Stockton, from her husband Edward Corbin; in which two last bills and joint resolution, the concurrence of the house of representatives is requested.

The first named bill, from the senate, was read the first and second times, the rules of the house having first been dispensed with, and was ordered to a third reading to-morrow.

The engrossed joint resolution of the General Assembly, relative to petitioning Congress for a change in the compact between this state and the United States, was read the first time; when

Mr. Bassett moved to reject the same.

And the ayes and noes being required thereon by two members, the same are as follows, viz:

Those who voted in the affirmative are,

Messrs. Allen, Annable, Beard, Bassett, Blair, Brown, Hendricks, Huntington, Irwin, Kinnard, Lemon, Levenworth, Lewis, Little, Long, Matlock, Newell, Pabody, Percy, Spann, Stapp, Stevens, Veatch, Watts Work and Moore, Sp'r—26.

And those who voted in the negative are,

Messrs. Adams, Campbell, Claypool, Clendenin, Craig, Decoursey, De Pauw, Elliott, Graham, Howk, Jackson, Johnson of P., Johnston of V. and W., Jones, Judah, Lomax, Marshall, M'Clure, M'Kinney, M'Pheeters, Pollock, Read of D. and M., Reid of F., Roberts, Slaughter, Steele, Wallace, Wilson and Worth—29.

And so said motion was decided in the negative.

The said joint resolution was then ordered to a second reading to-morrow.

The engrossed bill from the senate entitled "an act to divorce Margaret Corbin, formerly Margaret Stockton, from her husband Edward Corbin," was read the first time; when

Mr. Irwin moved to reject the same.

Which motion was decided in the negative.

The rules of the house were then dispensed with and said bill was read the second time.

Mr. Adams moved to amend said bill by adding at the end thereof, the words following, viz:

"And be it further enacted, that the banns of matrimony heretofore existing between Sally Rose and her husband Edward W. Rose, be and the same are hereby dissolved, and the said Sally is hereby appointed sole guardian of her children."

Which motion was carried in the affirmative.

Mr. Little moved to lay said bill on the table.

Which motion was decided in the negative.

The amendment to said bill was then ordered to be engrossed, and with said bill to be read a third time to-morrow.

Mr. Slaughter moved to take up the engrossed bill from the senate, entitled an act to regulate the licensing of physicians, and to authorise the formation of societies for the advancement of medical science.

Which motion was carried in the affirmative.

Mr. Adams then moved to postpone the further consideration thereof indefinitely.

And the ayes and noes being required thereon by two members, the same are as follows, viz:

Those who voted in the affirmative are,

Messrs. Beard, Bassett, Blair, Brown, Claypool, Clendenin, Decoursey, De Pauw, Elliott, Graham, Hendricks, Irwin, Jackson, Johnson of P., Johnston of V. and W., Jones, Kinnard, Lemon, Lewis, Little, Lomax, Long, Marshall, M'Pheeters, Pabody, Percy, Pollock, Stevens, Veatch, Wallace and Watts—32.

And those who voted in the negative are,

Messrs. Annable, Craig, Huntington, Levenworth, Matlock, M'Clure, M'Kinney, Newell, Read of D. and M., Reid of F., Roberts, Slaughter, Spann, Stapp, Steele, Wilson, Worth and Moore, Speaker—18.

And so said motion was carried in the affirmative.

The joint resolution for the relief of C. G. Brown was read the second time: when

Mr. Adams moved to lay the same on the table.

Which motion was decided in the negative.

Mr. Elliott then moved to postpone the further consideration of the same indefinitely.

And the ayes and noes being required thereon, by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Blair, Claypool, Clendenin, Craig, De Pauw, Elliott, Hendricks, Howk, Irwin, Johnson of , Jones, Kinnard, Lewis, Little, Lomax, Long, Marshall, Matlock, M'Pheeters, Newell, Pabody, Percy, Work, Worth and Moore, Speaker—25.

And those who voted in the negative are,

Messrs. Adams, Allen, Annable, Beard, Bassett, Brown, Campbell, Decoursey, Graham, Huntington, Jackson, Johnston of V. and W. Lemon, Levenworth, M'Clure, M'Kinney, Pollock, Read of D. & M. Reid of F., Roberts, Slaughter, Spann, Stapp, Steele, Stevens, Wallace, Watts and Wilson—28.

And so said motion was decided in the negative.

The said joint resolution was then committed to a committee of the whole house to-morrow.

A message was received from the senate, by Mr. Farnham, their assistant secretary, announcing that

the senate have passed an engrossed bill of the house of representatives, entitled an act establishing the boundary line of Decatur county, without amendment.

Also, an engrossed joint resolution of this house, relative to the navigation of the Wabash river, with amendments, in which concurrence is requested.

The amendment made by the senate to the said joint resolution, relative to the navigation of the Wabash river, was read, and agreed to by the house.

Ordered, That the clerk inform the senate thereof.

On motion of Mr. Stevens,

The committee of the whole house to whom was committed the engrossed bill from the senate entitled an act to authorize persons to retail spiritous or strong liquors without the requisitions of a tavern keeper, was discharged from the further consideration thereof.

Mr. Worth then moved to postpone the further consideration of said bill indefinitely.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Adams, Allen, Beard, Bassett, Blair, Brown, Clendenin, Craig, Decoursey, Irwin, Jackson, Johnson of P. Lewis, Lomax, M'Kinney, Newell, Pabody, Percy, Pollock, Reid of F. Roberts, Watts, Wilson, Work, Worth and Moore, Sp'r—26.

And those who voted in the negative are,

Messrs. Annable, Campbell, Claypool, De Pauw, Elliott, Graham, Hendricks, Hawk, Huntington, Johnston of V. and W., Jones, Judah, Kinnard, Lemon, Levenworth, Little, Long, Marshall, Matlock,

M'Clure, M'Pheeters, Read of D. and M. Slaughter, Spann, Stapp, Steele, Stevens, Veatch and Wallace—29.

And so said motion was decided in the negative: Mr. Watts moved to lay said bill on the table.

Which motion was also decided in the negative.

Mr. Annable moved to amend said bill in the third section, by striking out the words "foreign liquors by the small for the use of the sick," and inserting the following in lieu thereof: "spiritous or strong liquors by the pint;" and debate arising thereon,

Mr. Johnson of P. called for the previous question; and the call being seconded by three members, the said previous question was put in the form prescribed by the rules of the house, that is to say: Shall the main question be now put? And it passed in the affirmative.

The said main question, viz: Shall said bill be read a third time to-day, was then put; and it was carried in the affirmative.

The said bill was then read the third time, and the question being put, shall said bill pass?

And the ayes and noes being required thereon by two members, the same are as follows, viz:

Those who voted in the affirmative are,

Messrs. Annable, Claypool, De Pauw, Elliott, Graham, Hendricks, Howk, Huntington, Johnston of V. and W. Jones, Judah, Kinnard, Lemon, Levenworth, Little, Long, Marshall, Matlock, M'Clure, M'Pheeters, Read of D. and M., Slaughter, Spann, Steele, Stevens, Veatch and Wallace—27.

And those who voted in the negative are,

Messrs. Adams, Allen, Beard, Bassett, Blair, Brown, Campbell, Clendenin, Craig, Decoursey, Irwin, Jackson, Johnson of P. Lewis, Lomax, M'Kinney, Newell, Pabody, Percy, Pollock, Reid of F., Roberts, Stapp, Watts, Wilson, Work, Worth and Moore, Speaker—28.

And so said bill was lost.

And then the house adjourned until two o'clock,
P. M.

2 o'clock, P. M.

The house met pursuant to adjournment.

Mr. Matlock moved that the several orders of the day which precede the engrossed bill from the senate entitled an act to provide for marking and surveying a road from Lake Michigan to Indianapolis, be for the present suspended.

Which motion was carried in the affirmative.

Mr. Lemon then moved that the committee of the whole house to whom said bill was committed, be discharged from the further consideration thereof.

Which motion was carried in the affirmative.

Mr. Wilson then moved that said bill be read the third time now; and debate arising thereon,

Mr. Marshall called for the previous question, and the call being seconded by three members, the said previous question was put in the form prescribed by the rules of the house; that is to say: Shall the main question be now put?

And the ayes and noes being required thereon by two members, the same are as follows, viz:

Those who voted in the affirmative are,

Messrs. Adams, Bassett, Blair, Campbell, Clendenin, Craig, Decoursey, De Pauw, Graham, Hendricks, Howk, Huntington, Jackson, Johnson of P. Johnston of V. and W. Judah, Lemon, Levenworth, Little, Marshall, M'Clure, M'Kinney, M'Pheeters, Pollock, Read of D. and M., Reid of F., Roberts, Slaughter, Stevens, Veatch, Wallace, Watts, Wilson, Work and Moore, Speaker—35.

And those who voted in the negative are,

Messrs. Allen, Annable, Beard, Boon, Brown, Claypool, Elliott, Irwin, Jones, Kinnard, Lewis, Lomax, Long, Matlock.

Newell, Pabody, Percy, Smiley, Spann, Stapp, Steele, and Worth—22.

And it passed in the affirmative.

The said main question, viz: Shall said bill be read a third time to-day? was then put.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Adams, Beard, Bassett, Blair, Campbell, Clendenin, Craig, Decoursey, De Pauw, Graham, Hendricks, Howk, Jackson, Johnson of P., Johnston of V. and W., Judah, Kinnard, Lemon, Levenworth, Little, Marshall, M'Clure, M'Kinney, M'Pheeters, Percy, Pollock, Read of D. and M., Reid of F., Roberts, Slaughter, Stevens, Veatch, Wallace, Watts, Wilson, Work and Moore, Speaker—37.

And those who voted in the negative are,

Messrs. Allen, Annable, Boon, Brown, Claypool, Elliott, Huntington, Irwin, Jones, Lewis, Lomax, Long, Matlock, Newell, Pabody, Smiley, Spann, Stapp, Steele and Worth—20.

And it was carried in the affirmative.

The said bill was then read the third time; and the question being put, Shall said bill pass?

And the ayes and noes being required thereon by two members, the same are as follows, viz:

Those who voted in the affirmative are,

Messrs. Adams, Annable, Beard, Bassett, Blair, Campbell, Clendenin, Craig, Decoursey, De Pauw, Graham, Hendricks, Howk, Huntington, Jackson, Johnson of P., Johnston of V. and W., Judah, Kinnard, Lemon, Levenworth, Little, Lomax, Long, Marshall, M'Clure, M'Kinney, M'Pheeters, Newell, Pabody, Percy, Pollock, Reid of D. and M., Roberts, Slaughter, Stevens, Veatch, Wallace, Watts, Wilson, Work and Moore, Speaker—42.

And those who voted in the negative are,

Messrs. Allen, Boon, Brown, Claypool, Elliott, Irwin, Jones,

Lewis, Matlock, Reid of F. Smiley, Spann, Stapp, Steele and Worth—15.

And so said bill passed without amendment.

Ordered, That the clerk inform the senate thereof.

On motion of Mr. M'Clure,

The committee of the whole house, to whom was committed the engrossed bill from the senate, entitled "an act to provide for the government of the Knox county seminary," was discharged from the further consideration thereof.

Mr. Stapp moved that said bill be read the third time now.

Which motion was carried in the affirmative.

The said bill was then read the third time; and the question being put, Shall said bill pass?

And the ayes and noes being required thereon by two members, the same are as follows, viz:

Those who voted in the affirmative are,

Messrs. Adams, Allen, Annable, Beard, Blair, Brown, Campbell, Claypool, Decoursey, Elliott, Graham, Hendricks, Huntington, Irwin, Jackson, Johnson of P., Johnston of V. and W., Jones, Kinard, Lewis, Long, Matlock, M'Clure, M'Kinney, Newell, Percy, Read of D. and M., Reid of F., Roberts, Slaughter, Smiley, Spann, Stapp, Steele, Stevens, Watts and Wilson—37.

And those who voted in the negative are,

Messrs. Bassett, Clendenin, Craig, De Pauw, Howk, Judah, Lemon, Little, Lomax, Marshall, M'Pheeters, Pabody, Pollock, Wallace, Work, Worth and Moore, Sp'r—17.

And so said bill passed without amendment.

Ordered, That the clerk inform the senate thereof.

On motion of Mr. Wilson,

The committee of the whole house to whom was

committed, the bill for opening and locating a state road from the Ohio river, opposite the Yellow Banks in Kentucky, to Princeton, was discharged from the further consideration thereof.

Mr. Irwin then moved to postpone the further consideration of said bill indefinitely.

Which motion was carried in the affirmative.

Mr. Worth from the joint committee for enrolled bills, made the following report, viz:

The joint committee for enrolled bills, report that they have compared the enrolled with the engrossed bills, entitled acts, as follows, to wit:

An act vacating the town of Greenfield, in the county of Vigo;

An act to establish a state road from Carlisle in Sullivan county, to Spencer in Owen county;

An act for the relief of Robert Martin;

An act to locate and open a state road from Crawfordsville, in Montgomery county, to Indianapolis; Also,

A joint resolution to provide the Wabash and Miami canal commissioners with a copy of Strickland's reports.

And find the same truly enrolled.

When the speaker signed the said bills and joint resolution.

Ordered, That the clerk carry the same to the senate for the signature of their president.

On motion of Mr. Stevens,

The committee of the whole house to whom was committed, the joint resolution authorising the agent of the three per cent. fund to pay over to the board of justices of Knox county, a certain sum of money, was discharged from the further consideration thereof.

Mr. Stevens moved to postpone the further consideration of said joint resolution indefinitely.

Which motion was decided in the negative.

On motion of Mr. Clendenin,

Said joint resolution was ordered to lie on the table.

The house resolved itself into a committee of the whole, on the bill making provision for enclosing the Governor's Circle, and for other purposes, and after some time spent therein, the speaker resumed the chair, and Mr. Allen reported the same with several amendments.

Which were again severally read at the clerk's table, and concurred in by the house, except the second amendment, which was disagreed to by the house.

Mr. Read of D. and M. moved further to amend said bill, by striking out the words following: "to be built of good hard brick, founded one foot below the surface of the ground, and to be built four feet six inches above the said surface, and on that to be capped with stone, at least four inches thick, and three feet long—the foundation of the wall to be twenty-seven, and the part above ground eighteen inches thick, with four flights of stone steps, one thereof directly in front of each of the centre doors of the house erected for the residence of the Governor;" and inserting the following in lieu thereof: "that it shall be the duty of the agent of the town of Indianapolis to have the Governor's Circle enclosed with a good board fence and have the same painted."

Which motion was decided in the negative.

The question being then put, Shall said bill be engrossed and read the third time to-morrow.

And the ayes and noes being required thereon by two members, the same are as follows, viz:

Those who voted in the affirmative are,

Messrs. Adams, Allen, Beard, Brown, Craig, Decoursey, De Pauw, Graham, Huntington, Irwin,

Kinnard, Lemon, Levenworth, Lomax, M'Pheeters, Percy, Roberts, Slaughter, Stapp, Steele, Stevens, Veatch, Wallace Watts, Worth and Moore, Speaker—26.

And those who voted in the negative are,

Messrs. Annable, Bassett, Campbell, Claypool, Clendenin, Elliott, Hendricks, Jackson, Johnson of P.; Johnston of V. and W., Jones, Judah, Lewis, Little, Long, Marshall, Matlock, M'Clure, M'Kinney, Newell, Pabody, Pollock, Read of D. and M., Reid of F., Smiley, Spann and Work—27.

And so said bill was lost.

The house resolved itself into a committee of the whole, on the engrossed bill from the senate, entitled an act for the relief of John Spencer, collector of Dearborn county, and the bill of this house for the relief of the collector of Wayne county; and also the petition of John F. Sibenthal, collector of Switzerland county, and after some time spent therein, the speaker resumed the chair, and Mr. Annable reported the first named bill with several amendments; the last without amendment.

The amendments to the first named bill were again severally read at the clerk's table and concurred in by the house.

Mr. Craig moved to postpone the further consideration of the first named bill, viz: the engrossed bill, from the senate, entitled an act for the relief of John Spencer, collector of Dearborn county, (as amended.)

And the ayes and noes being required thereon, by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Allen, Annable, Blair, Claypool, Clendenin, Craig, Graham, Howk, Huntington, Irwin, John-

son of P., Judah, Kinnard, Lemon, Little, Marshall, Matlock, M'Clure, M'Pheeters, Pabody, Reid of F., Smiley, Wallace and Wilson—24.

And those who voted in the negative are,

Messrs. Adams, Beard, Bassett, Campbell, Decoursey, De Pauw, Elliott, Hendricks, Jackson, Johnston of V. and W., Jones, Levenworth, Lomax, Long, M'Kinney, Newell, Percy, Pollock, Read of D. & M., Roberts, Slaughter, Spann, Stapp, Steele, Stevens, Veatch, Watts, Worth and Moore, Speaker—29.

And so said motion was decided in the negative.

The amendments to said bill were then ordered to be engrossed, and with said bill ordered to a third reading to-morrow.

The following message was received from the Governor, by John N. Wick, viz:

Mr. Speaker,

I am instructed, by the Governor, to announce to the House of Representatives, that

An act for the relief of Caleb Harrison;

An act for the benefit of Peter Charley, Elijah Hurst and John Watkins, late trustees of Congressional township No. 3 south, and range No. 4 east, in the Jeffersonville district;

An act amendatory of the act entitled an act for the relief of the poor, approved Jan. 30th, 1824;

An act making an appropriation for the completion of the house for the executive of state, and for other purposes;

An act for the benefit of the Gibson county seminary;

An act for the relief of purchasers of lots in the town of Indianapolis, which have become forfeited to the state;

An act relative to limited partnerships, have on

this day, January 21, received his approbation and signature, and are now on file in the office of the secretary of state.

And then the house adjourned until to-morrow morning, nine o'clock.

TUESDAY MORNING, JANUARY 22, 1828.

The house met pursuant to adjournment.

Mr. Clendenin, from the committee of ways and means, to whom was referred, a resolution of this house on that subject, reported a bill to authorize the secretary of state to purchase a seal for the state; which was read the first, second and third times, the rules of the house having first been dispensed with, and passed.

Ordered, That the same be entitled "an act," and that the clerk carry the same to the senate, and ask their concurrence therein.

Mr. Wallace, from the committee on roads, to whom was referred the report of the Agent of the three per cent. fund, made the following report, to wit:

The committee on roads, to whom was referred the report of the Agent of the three per cent. fund, have had the same under consideration, and have compared the same with the vouchers for which the disbursements were made, and find said report regular, satisfactory and correct. They therefore ask to be discharged from the further consideration of the same.

Which report was read and concurred in by the house.

Mr. De Pauw, after having obtained leave, presented a joint resolution respecting certain lots in the town of Indianapolis; which was read the first,

second and third times, the rules of the house having first been dispensed with, and passed.

Ordered, That the Clerk carry the same to the senate and ask their concurrence therein.

Mr. Claypool moved to reconsider the vote of yesterday, indefinitely postponing the further consideration of the bill to open and locate a state road from the Ohio river, opposite the Yellow Banks in Kentucky, to Princeton.

Which motion was carried in the affirmative.

The question recurring on the motion of Mr. Irwin to postpone the further consideration thereof indefinitely, the same was decided in the negative.

On motion of Mr. Levenworth,

The first blank in said bill was filled with the first Monday in April next.

On motion of Mr. Levenworth, the second blank was filled with \$50 00; And,

On motion of Mr. Levenworth, the third blank was filled with \$1 00, the allowance to the commissioner.

The said bill was then ordered to be engrossed and read the third time to-morrow.

Mr. Clendenin, after having obtained leave, presented a bill respecting a portion of the three per cent. fund; which was read the first time, when Mr. Boon moved to reject the same; which motion was decided in the negative.

The said bill was then read the second time, the rules of the house having first been dispensed with, and ordered to be engrossed for a third reading to-morrow.

Mr. Adams moved to take up the bill to repeal in part an act entitled an act to repeal part of the act entitled an act to amend an act for entitled an act opening public roads and highways, and for other purposes, approved, February 12, 1825.

Which motion was carried in the affirmative.

The said bill was then considered as engrossed, read the third time and passed.

Ordered, That the same be entitled "an act," and that the clerk carry the same to the senate, and ask their concurrence therein.

The orders of the day were then taken up.

The engrossed bill from the senate entitled an act for the relief of John Spencer, collector of Dearborn county, was read the third time as amended, and the question being put, Shall said bill pass?

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Adams, Allen, Beard, Bassett, Boon, Brown, Campbell, Decoursey, De Pauw, Elliott, Hendricks, Jackson, Jones, Levenworth, Lewis, Lomax, Long, M'Kinney, Pollock, Spann, Stapp, Steele, Stevens, Veatch, Watts, Work and Worth—27.

And those who voted in the negative are,

Messrs. Blair, Claypool, Clendenin, Craig, Graham, Hawk, Irwin, Johnson of P. Johnston of V. and W., Judah, Kinnard, Marshall, Matlock, M'Clure, M'Pheeters, Newell, Pabody, Percy, Read of D. and M., Reid of F. Roberts, Wallace and Moore, Speaker—23.

And so said bill passed as amended.

On motion of Mr. Stevens,

The title of said bill was amended, by adding at the end thereof the words, "and for other purposes."

Ordered, That the clerk carry the same to the senate and ask their concurrence in said amendments.

The engrossed joint resolution from the senate, relative to petitioning Congress for a change in the

compact between this state and the United States, was read the second time; when Mr. Matlock moved to postpone the further consideration thereof indefinitely.

And the ayes and noes being required thereon by two members, the same are as follows, viz:

Those who voted in the affirmative are,

Messrs. Beard, Bassett, Blair, Brown, Hendricks, Huntington, Irwin, Kinnard, Levenworth, Lewis, Little, Long, Matlock, M'Kinney, Newell, Pabody, Percy, Roberts, Slaughter, Smiley, Spann, Stapp, Stevens, Watts, Work and Moore, Speaker—26.

And those who voted in the negative are,

Messrs. Adams, Allen, Boon, Campbell, Claypool, Clendenin, Craig, Decoursey, De Pauw, Elliott, Graham, Hawk, Jackson, Johnson of P., Johnston of V. and W., Jones, Judah, Lemon, Lomax, Marshall, M'Clure, M'Pheeters, Pollock, Read of D. and M., Reid of F., Steele, Wallace and Worth—28.

And so said motion was decided in the negative.

The question, Shall said joint resolution pass to a third reading to-morrow? was then put; and the same was decided in the negative.

And so said joint resolution was lost.

The engrossed bill from the senate entitled an act to provide for the relocation of the seat of justice of Martin county, and extending the boundaries thereof, was read the third time and passed, as amended.

Ordered, That the clerk inform the senate thereof and ask their concurrence in said amendment.

The engrossed bill from the senate entitled an act to enable the inhabitants of the Congressional townships, in the several counties in this state, to express

their *assent* or *dissent* to the sale of the sixteenth section in their respective townships, was read the third time and passed without amendment.

Ordered, That the clerk inform the senate thereof.

The engrossed bill from the senate entitled an act to designate the boundaries of the counties therein named and for other purposes, was read the third time and passed, as amended.

On motion of Mr. Beard,

The title of said bill was amended, so as to read, "an act to attach certain territory to the counties therein named."

Ordered, That the clerk carry the same to the senate and ask their concurrence in said amendments.

The engrossed bill from the senate entitled an act to divorce Margaret Corbin, formerly Margaret Stockton, from her husband Edward Corbin, was read the third time, as amended, and the question being put, Shall said bill pass?

And the ayes and noes being required thereon by two members, the same are as follows, viz:

Those who voted in the affirmative are,

Messrs. Adams, Beard, Blair, Campbell, Decoursey, Hendricks, Huntington, Jackson, Johnston of V. and W., Judah, Kinnard, Levenworth, Lewis, Long, Marshall, Matlock, M'Clure, M'Pheeters, Newell, Read of D. and M., Smiley, Spann, Stapp, Veatch, Work and Moore, Sp'r—26.

And those who voted in the negative are,

Messrs. Bassett, Boon, Brown, Claypool, Clendenin, De Pauw, Elliott, Graham, Howk, Irwin, Johnson of P., Jones, Lemon, Little, M'Kinney, Pabody, Percy, Reid of F., Slaughter, Steele, Stevens, Wallace, Watts and Worth—24.

And so said bill passed as amended.

On motion of Mr. Adams,

The title of said bill was amended so as to read, "an act to divorce certain persons therein named."

Ordered, That the clerk carry the same to the senate and ask their concurrence in said amendments.

On motion of Mr. Elliott,

The committee of the whole house to whom was committed, the bill to promote and encourage the manufacture of salt within the state of Indiana, was discharged from the further consideration thereof.

Mr. Claypool then moved to postpone the further consideration of said bill indefinitely.

Which motion was carried in the affirmative.

On motion of Mr. Irwin,

The committee of the whole house to whom was committed, the bill for the relief of William Williams and Jesse Gifford was discharged from the further consideration thereof.

On motion of Mr. Stevens,

The said bill was amended, by adding at the end of the last section thereof, the following proviso, to wit: "Provided, however, that this act shall not be so construed as to authorize said commissioner to pay the said Williams and Gifford, or either of them, unless at the time of payment the said work shall be finished according to contract."

The said bill was then read the third time, and the question being put, Shall said bill pass? the same carried in the affirmative.

Ordered, That said bill be entitled "an act," and that the clerk carry the same to the senate, and ask their concurrence therein.

On motion of Mr. De Pauw,

The committee of the whole house to whom was committed, the joint resolution from the senate, relative to a bridge over the Muscatituck, on the

Mank's ferry road, was discharged from the further consideration thereof; And,

On motion of Mr. De Pauw,

The farther consideration of said joint resolution was indefinitely postponed.

A message was received from the senate, by Mr. Farnham, their assistant secretary, announcing that

The senate continue to insist on their amendment to the engrossed bill of the House of Representatives, entitled an act to establish a College in the state of Indiana.

They concur in the first amendment proposed by the House of Representatives, to the joint resolution of the Senate, on the subject of internal improvements and domestic manufactures, but refuse to concur in the second amendment proposed to said resolution.

They have passed an engrossed bill of the house of representatives entitled an act for opening and repairing public roads and highways, with amendments, in which the concurrence of the house of representatives is requested.

Amendments numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 and 21, made by the senate to the engrossed bill of this house, entitled an act for opening and repairing public roads and highways, were read and agreed to by the house, but the house disagree to amendments No. 19 and 20.

Ordered, That the clerk inform the senate thereof.

And then the house adjourned until two o'clock, P. M.

2 o'clock, P. M.

The house met pursuant to adjournment.

On motion of Mr. Claypool,

The committee of the whole house to whom was committed, the bill legalizing certain proceedings

of the associate judges, when acting as a court of probate, and for other purposes, was discharged from the further consideration thereof; And,

On motion of Mr. Claypool,

The further consideration of said bill was indefinitely postponed.

Mr. Worth, from the joint committee for enrolled bills, made the following report, to wit:

The joint committee for enrolled bills, report that they have compared the enrolled with the engrossed bills, entitled acts, as follows, to wit:

An act to amend an act entitled an act amendatory of the law, and for the better advancement of justice, approved January 20th, 1826;

An act supplemental to an act declaring Blue river a public highway;

An act to amend an act entitled "an act to establish county seminaries in the several counties therein named," approved January 26, 1827;

An act to amend the several acts regulating the judicial circuits, and fixing the times of holding courts therein;

An act to divorce Elizabeth and Reuben Stout;

An act to dissolve the Connersville library association;

An act establishing the boundary line of Decatur county;

An act to amend an act entitled "an act to provide for the election of electors of president and vice president of the United States;" and

An act to incorporate the Indianapolis and White-water turnpike company;

Also, the following enrolled joint resolutions, to wit:

A joint resolution relative to the navigation of the Wabash river; and

A joint resolution and communication of the General Assembly of the state of Indiana, to the Gene-

ral Assembly of the state of Ohio, on the subject of connecting the waters of the Wabash river with those of Lake Erie;

And find the same truly enrolled.

When the speaker signed the said bills and joint resolutions.

Ordered, That the clerk carry the same to the senate for the signature of their president.

Mr. Marshall, from the joint committee for enrolled bills, made the following report, to wit:

The joint committee on enrolled bills, did on this day, present to his excellency, the Governor, for his approval and signature, the following enrolled bills, and joint resolution:

An act for the relief of Robert Martin;

An act vacating the town of Greenfield, in the county of Vigo;

An act to locate and open a state road from Crawfordsville, in Montgomery county, to Indianapolis;

An act to establish a state road from Carlisle in Sullivan county, to Spencer in Owen county;

A joint resolution to provide the Wabash and Miami canal commissioners with a copy of Strickland's reports.

On motion of Mr. Read of D. and M.,

The committee of the whole house to whom was committed, the "bill to authorise the inhabitants of townships to become incorporated," was discharged from the further consideration thereof.

Mr. Read of D. and M. moved to lay said bill on the table.

Which motion was decided in the negative; And,

On motion of Mr. Pabody,

The further consideration thereof was postponed until the first Monday in December next.

The house resolved itself into a committee of the whole, on the bill making specific appropriations for

the year 1828, and after some time spent therein, the Speaker resumed the chair, and Mr. Blair reported the same with several amendments.

Which were read and concurred in generally by the house, except the fifth amendment; which reads in the words following:

"That Allen D. Thom, Daniel C. Lane and James B. Slaughter, be allowed the sum of fifty dollars each, for money paid by them to the state of Indiana, on a judgment in favor of the state, in the Harrison Circuit Court, against Dennis Pennington and others; which judgment was reversed by the Supreme Court of the state of Indiana."

The question being then put, Will the house concur in said amendment?

And the ayes and noes being required thereon, by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Allen, Annable, Bassett, Blair, Brown, Claypool, Clendenin, Decoursey, De Pauw, Graham, Hendricks, Howk, Irwin, Jackson, Johnson of P., Johnston of V. and W., Jones, Lemon, Levenworth, Lewis, Long, Marshall, Matlock, M'Kinney, M'Pheeters, Newell, Pabody, Percy, Pollock, Read of D. & M., Reid of F., Roberts, Smiley, Spann, Stapp, Steele, Veatch, Wallace, Watts, Work, Worth and Moore, Speaker—42.

And those who voted in the negative are,

Messrs. Boon, Kinnard and Lomax—3.

And so said amendment was concurred in by the house.

The said bill was then ordered to be engrossed and read the third time to-morrow.

A message was received from the senate, by Mr.

Farman, their assistant secretary, announcing that the senate refuse to concur in the amendments proposed by the House of Representatives to the engrossed bill of the senate, entitled an act for the relief of John Spencer, collector of Dearborn county.

They concur in the amendments proposed in the House of Representatives, to the following engrossed bills of the Senate, entitled

An act to provide for the relocation of the seat of justice of Martin county, and extending the boundaries thereof;

An act to divorce Margaret Corbin, formerly Margaret Stockton, from her husband Edward Corbin;

And An act desinating the boundaries of the counties therein named, and for other purposes.

They insist on the nineteenth amendment, proposed by the senate, to the engrossed bill of the house of representatives, entitled an act for opening and repairing public roads and highways; and recede from the twentieth amendment proposed by them to said bill.

They have passed an engrossed bill of this house, entitled an act making general appropriations for the year 1828, without amendment.

Mr. Bassett moved that this house recede from their amendments, made to the engrossed bill from the senate, entitled "an act for the relief of John Spencer, collector of Dearborn county."

Which motion was also decided in the negative.

Mr. Stapp then moved that this house insist on their amendments to said bill, and that a committee of free conference be appointed, on the part of this house, to act with a similar committee, to be appointed on the part of the senate, to take into consideration, the disagreeing votes of the two houses, on said bill.

Which motion was carried in the affirmative.

Ordered, That Messrs. Stapp and Bassett be that

committee, on the part of this house, and that the clerk inform the senate thereof.

Mr. Hawk moved that the house recede from their disagreement to the nineteenth amendment made by the senate, to the engrossed bill of this house, entitled an act for opening and repairing public roads and highways.

Which motion was carried in the affirmative.

Ordered, That the clerk inform the senate thereof.

The house resolved itself into a committee of the whole, on the bill to revive the act entitled "an act authorising called sessions of the Circuit Courts, so far as relates to the fourth Judicial Circuit, in this state, and after some time spent therein the speaker resumed the chair, and Mr. Beard reported said bill, with one amendment; which was again read at the clerk's table and concurred in by the house.

Mr. Matlock moved to postpone the further consideration thereof indefinitely.

Which motion was carried in the negative.

The said bill was then ordered to be engrossed and read the third time to-morrow.

On motion of Mr. Levenworth,

The committee of the whole house, to whom was committed, the engrossed joint resolution of the General Assembly of the state of Indiana, from the Senate, was discharged from the further consideration thereof.

The said joint resolution was then ordered to a third reading to-morrow.

On motion of Mr. Bassett,

The committee of the whole house to which was committed, the engrossed bill from the Senate, entitled "An act to establish a loan office for the state of Indiana," was discharged from the further consideration thereof.

Mr. M'Kinney then moved to postpone the further consideration of said bill indefinitely.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Boon, Brown, Claypool, Graham, Lemon, Lewis, M'Kinney, Pabody, Read of D. and M., Reid of F., Roberts, Spann and Worth—13.

And those who voted in the negative are,

Messrs. Adams, Allen, Annable, Beard, Bassett, Blair, Clendenin, Craig, Decoursey, De Pauw, Elliott, Hendricks, Hawk, Irwin, Jackson, Johnson of P. Johnston of V. and W., Jones, Judah, Kinard, Levenworth, Lomax, Long, Marshall, Matlock, M'Pheeters, Newell, Percy, Pollock, Slaughter, Smiley, Stapp, Steele, Wallace Watts, Work and Moore Speaker—37.

And so said motion was decided in the negative.

Mr. Slaughter moved to amend said bill, by adding the following as a proviso to the 4th section thereof, viz:

“Provided further, that the trustees of any incorporated county seminary, are hereby authorized to borrow at the loan office, funds for the advancement of education, by mortgaging real property belonging to said seminary, in security for the same, agreeable to the provisions of this act.”

Which motion was decided in the negative.

Mr. Hawk then moved that said bill be read the third time, now.

Which motion was carried in the affirmative.

The said bill was then read the third time; and the question being put, Shall said bill pass?

And the ayes and noes being required thereon by two members, the same are as follows, viz:

Those who voted in the affirmative are,

Messrs. Adams, Allen, Annable, Beard, Bassett, Blair, Clendenin, Craig, Decoursey, De Pauw, Elliott, Hendricks, Howk, Irwin, Jackson, Johnson of P., Johnston of V. and W., Jones, Judah, Kinnard, Levenworth, Lomax, Long, Marshall, Matlock, M'Pheeters, Newell, Percy, Pollock, Slaughter, Smiley, Stapp, Steele, Wallace, Work and Moore, Sp'r—36.

And those who voted in the negative are,

Messrs. Boon, Brown, Claypool, Graham, Lemon, Lewis, M'Kinney, Pabody, Read of D. and M., Reid of F. Roberts, Spann, Watts and Worth—14.

And so said bill was passed.

On motion of Mr. Stapp,

The title of said bill was amended so as to read, "An act to provide for loaning of the Seminary funds."

Ordered, That the clerk carry the same to the senate and ask their concurrence in said amendment.

And then the house adjourned until to-morrow morning, nine o'clock.

WEDNESDAY MORNING, JANUARY 23, 1828.

The house met pursuant to adjournment.

A message was received from the Senate, by Mr. Farnham, their assistant secretary, announcing that the Senate insist on their disagreement to the amendments proposed by the House of Representatives, to the engrossed bill of the Senate, entitled an act for the relief of John Spencer, collector of Dear-

born county, and have appointed Messrs. Watts and Oliver, a joint committee of free conference, to act with a similar committee appointed on the part of the House of Representatives, to take into consideration the disagreeing votes of the two houses on said bill.

They concur in the report of the committee of free conference, on the subject matter of difference between the two houses, relative to an amendment made by the Senate, to the engrossed bill of the House of Representatives, entitled an act to establish a College in the state of Indiana.

Mr. De Pauw, from the committee on the affairs of the town of Indianapolis, made the following report, viz:

The standing committee on the affairs of Indianapolis, to whom was referred so much of the message of his Excellency the Governor, as relates to the said town and sales of lots therein; also, the report of Benjamin I. Blythe, agent of state at the town aforesaid, in relation to said agency, communicated to this house on the 13th ultimo; and also a resolution of this house, directing an enquiry into the expediency of authorising an additional sale of lots in said town; and of appropriating a sum of money for the erection of a state house on the lot set apart for that purpose, now report, that your committee have had the above mentioned documents and the several subjects therein contained, respectively, under their consideration, and deem it unnecessary to make any report on that part of the Governor's message so referred, inasmuch as the the same subject is embraced in the report of the Agent, and already sufficiently entered on the journals of this house, to answer present purposes. A part of the said agent's report, as well as the above recited resolution of this house, both have for their object legislative enactments, authorising further

sales of lots and lands of the seat of government donation, and the appropriation of money for commencing the erection of a State Capital. On this important subject, your committee after viewing all the circumstances connected with the Indianapolis affairs, and the difficulties that would unavoidably grow out of a premature step in that important matter, deem it inexpedient for the legislature, either to make the said appropriation or authorize an additional sale of lots, &c. at the present session. But your committee believing that the rearing of a state house; at no very distant period, and as soon as the Indianapolis funds can be brought to sustain the undertaking; an object that would conduce much to the interest of this town, as well as the character of the state generally; Wherefore, in furtherance of the object, by affording to future sessions of the General Assembly, full and ample information in relation to the Indianapolis affairs, have directed me to report herewith, a joint resolution requiring the performance of certain duties by the Agent of said town, and recommend its passage.

Respectfully submitted.

Mr. De Pauw, from the same committee, reported a joint resolution requiring certain duties to be performed by the Agent of the state for the town of Indianapolis; which was read the first, second and third times, the rules of the house having first been dispensed with, and passed.

Ordered, That the Clerk carry the same to the senate and ask their concurrence therein.

Mr. Bassett from the joint committee of free conference to whom was referred, the subject matter of difference between the two houses, relative to the bill for the relief of John Spencer, and for other purposes, made the following report, to wit:

That they have had the same under consideration, and agree that the senate shall recede from

their disagreement to the amendments to said bill, by the House of Representatives, and that the first section of said bill be amended by striking out the counties of Scott and Dubois.

Which was read and concurred in by the house.

Ordered, That the clerk inform the senate thereof.

Mr. Stapp, from the joint committee of free conference, appointed to take into consideration the disagreeing votes of the two houses, on the engrossed bill of this house, entitled an act to establish a college in the state of Indiana, reported, that they have had that subject under their consideration, and have agreed that the senate do recede from their amendment made to said bill.

Which report was read and concurred in by the house.

Ordered, That the clerk inform the senate thereof.

Mr. Clendenin, from the select committee to whom was referred the petition of Joseph Johnston and William Hoggatt, praying for the vacation of a part of the town of Paoli, reported, that they have had the subject under consideration, and as there are a number of others owning lots in the town of Paoli in the same situation of the petitioners, who have not petitioned, they are of opinion it is inexpedient to legislate on that subject, at this time, and ask to be discharged from the further consideration of the subject.

Which report was read and concurred in by the house.

Mr. Beard from the select committee to whom was recommitted, the bill to locate and open a state road from Indianapolis to Lafayette in Tippecanoe county, reported the same without amendment.

On motion of Mr. Claypool,

The further consideration of the same was postponed until the first Monday in December next.

Mr. Worth, from the joint committee for enrolled bills, made the following report; to wit:

The joint committee for enrolled bills, report that they have compared the enrolled with the engrossed bills, entitled acts, as follows, to wit:

An act to divorce certain persons therein named;
And,

An act to incorporate the Franklin cotton manufacturing company, and White water cotton manufacturing company.

And find the same truly enrolled.

When the speaker signed the same.

Ordered, That the clerk carry the same to the senate for the signature of their president.

Mr. Irwin presented the following preamble and resolution, to wit:

WHEREAS, it is important for the prosperity and welfare of our young and growing state, that domestic manufactures should be encouraged:—

Therefore,

Be it resolved, by this House, that the members of the ensuing legislature be requested to appear at their next session in domestic clothing.

The said resolution being read—

Mr. Craig moved to amend the same by inserting after the word “Legislature,” “if they shall think proper to do so.”

Which motion was decided in the negative.

Mr. Adams moved further to amend said resolution, by adding the following at the end thereof: “and that none of the present members of the Legislature shall, for one year from this date, use any spiritous or strong liquors but Indiana whiskey,”—

And,

On motion of Mr. Stapp,

Said resolution and proposed amendment were ordered to lie on the table.

On motion of Mr. Little,

Resolved, That the Speaker of this house be requested to direct the Door-Keeper, at the close of

the session, to collect all the laws, journals, ink-stands; sand-boxes, candlesticks, &c. the property of the state, and deposite the same in the office of the secretary of state, for safe keeping.

On motion of Mr. De Pauw,

Resolved, That the treasurer and agent of state, be permitted to withdraw, from among the papers of this house, a bond, and an article of agreement, in relation to the contract for building the Governor's house, those gentlemen being required by law to file said documents in the office of the secretary of state—Also,

That H. Gregg be permitted to withdraw four several certificates, which accompanied the petition of Messrs. Parish and Gray.

Mr. Percy, after having obtained leave, presented a bill supplemental to an act entitled an act to amend the act entitled an act to provide for the election of electors of President and Vice President of the United States; which was read the first, second and third times, the rules of the house having first been dispensed with, and passed.

Ordered, That the same be entitled "an act," and that the clerk carry the same to the senate, and ask their concurrence therein.

Mr. Adams moved to reconsider the vote heretofore taken, on the question to order to a third reading, the engrossed bill from the Senate, entitled an act to authorize persons to retail spiritous or strong liquors without the requisitions of a tavern keeper.

And the ayes and noes being required thereon by two members, the same are as follows, viz:

Those who voted in the affirmative are,

Messrs. Adams, Annable, Blair, Claypool, De Pauw, Elliott, Graham, Hendricks, Howk, Huntington, Jackson, Johnston of V. and W., Jones, Jr.

dah, Kinnard, Lemon, Levenworth, Lomax, Long, Marshall, Matlock, M'Clure, M'Pheeters, Read of D. and M., Slaughter, Smiley, Steele, Stevens, Veatch and Wallace—30.

And those who voted in the negative are,

Messrs. Allen, Bassett, Boon, Brown, Campbell, Clendenin, Craig, Decoursey, Irwin, Johnson of P., Lewis, Little, M'Kinney, Newell, Pabody, Percy, Reid of F., Roberts, Stapp, Watts, Wilson, Work, Worth and Moore, Speaker—24.

And so said motion was carried in the affirmative.

Mr. Levenworth moved to amend said bill by inserting after the word "liquors," in the first section, the words following: "foreign and domestic groceries."

Which motion was carried in the affirmative.

Mr. Huntington moved further to amend said bill, by striking out the proviso to the third section thereof, which reads as follows:

"Provided, that it shall be lawful for merchants licensed to vend goods, to sell foreign liquors by the small, for the use of the sick."

Which motion was decided in the negative.

The question being then put, Shall said bill pass to a third reading?

And the ayes and noes being required thereon, by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Annable, Blair, Claypool, De Pauw, Elliott, Graham, Hendricks, Huntington, Jackson, Johnston of V. and W., Jones, Judah, Kinnard, Lemon, Levenworth, Little, Lomax, Long, Marshall, M'Clure, M'Pheeters, Read of D. & M., Slaughter, Smiley, Steele, Stevens, Veatch and Wallace—28.

And those who voted in the negative are,

Messrs. Adams, Allen, Bassett, Boon, Brown, Campbell, Clendenin, Craig, Decoursey, Irwin, Johnson of P., Lewis, Matlock, M'Kinney, Newell, Pabody, Percy, Pollock, Reid of F., Roberts, Spann, Stapp, Watts, Wilson, Work, Worth and Moore, Speaker—27.

And so said question was carried in the affirmative.

To day was then assigned for the third reading of said bill.

The said bill was then read the third time; and the question being put, Shall said bill pass?

And the ayes and noes being required thereon by two members, the same are as follows, viz:

Those who voted in the affirmative are,

Messrs. Annable, Blair, Claypool, De Pauw, Elliott, Graham, Hendricks, Huntington, Jackson, Johnston of V. and W., Jones, Judah, Kinnard, Lemon, Levenworth, Little, Lomax, Long, Marshall, M'Clure, M'Pheeters, Read of D. and M., Slaughter, Smiley, Steele, Stevens, Veatch and Wallace—28.

And those who voted in the negative are,

Messrs. Adams, Allen, Bassett, Beard, Boon, Brown, Campbell, Clendenin, Craig, Decoursey, Irwin, Johnson of P., Lewis, Matlock, M'Kinney, Newell, Pabody, Percy Pollock, Reid of F., Roberts, Spann, Stapp, Watts, Wilson, Work and Moore Sp'r—27.

And so said bill passed.

Ordered, That the clerk inform the senate thereof, and ask their concurrence in said amendment.

The house took up and proceeded to consider the orders of the day.

The engrossed bill making specific appropriations for the year 1828; the engrossed bill for locating and opening a state road from the Ohio river opposite the Yellow Banks in Kentucky, to Princeton; the engrossed bill to revive the act entitled an act authorising called sessions of the Circuit Courts, so far as relates to the fourth Judicial Circuit, and for other purposes, were severally read the third time and passed.

Ordered, That the same be entitled "acts," and that the clerk carry the same to the senate, and ask their concurrence therein.

The engrossed bill restoring a certain portion of the three per cent. fund to the state road from New-Albany to Vincennes, taken from it by the act of January 31, 1824, and applied to the Wabash river, was read the third time, and the question being put, Shall said bill pass?

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Annable, Blair, Clendenin, Craig, Decoursey, De Pauw, Elliott, Graham, Hendricks, Irwin, Jackson, Jones, Lewis, Little, Lomax, Matlock, M'Pheeters, Newell, Pabody, Pollock, Reid of F., Roberts, Smiley, Steele, Stevens, Veatch, Wallace and Work—28.

And those who voted in the negative are,

Messrs. Adams, Boon, Johnson of P. Johnston of V. and W., Judah, Kinnard, Lemon, Levenworth, Marshall, M'Clure, Percy, Read of D. and M., Stapp, Watts, Wilson, Worth and Moore, Speaker—17.

And so said bill passed.

Ordered, That the same be entitled "an act," and that the clerk carry the same to the senate, and ask their concurrence therein.

The engrossed joint resolution of the General Assembly, from the senate, was read the third time and passed.

Ordered, That the clerk inform the senate thereof.

On motion of Mr. Elliott,

The committee of the whole house, to whom was committed, the bill to amend an act subjecting real and personal property to execution, and the engrossed bill from the senate, entitled an act to amend the act entitled an act regulating the jurisdiction and duties of justices of the peace, approved, January 20, 1824, was discharged from the further consideration thereof.

Mr. Irwin moved to postpone the further consideration of the first named bill indefinitely.

Which motion was decided in the negative.

Mr. Little moved to postpone the further consideration of the last named bill indefinitely.

Which motion was carried in the affirmative.

Mr. Matlock moved to amend the first named bill, by striking out the 7th section thereof, which reads in the words following, to wit:

"Sec. 7. That in addition to the property heretofore exempt by law, from execution, there shall be recognized as exempt, for the benefit of such execution defendant, as may have a family, six sheep, with the wool that may have been taken from the same in any one year."

And debate arising thereon,

Mr. Craig called for the previous question, and the call being seconded by three members;

The said previous question was put, in the form prescribed by the rules of the house, that is to

say: Shall the main question be now put? and it passed in the affirmative.

The said main question, viz: Shall the said bill be engrossed and read the third time? was then put;

And the ayes and noes being required thereon by two members, the same are as follows, viz:

Those who voted in the affirmative are,

Messrs. Annable, Blair, Brown, Claypool, Decoursey, De Pauw, Hendricks, Jackson, Johnston of V. and W., Levenworth, Long, Marshall, Percy, Pollock, Read of D. and M., Smiley, Stapp, Watts and Wilson—19.

And those who voted in the negative are,

Messrs. Adams, Beard, Boon, Craig, Elliott, Graham, Howk, Huntington, Irwin, Johnson of P., Jones, Judah, Kinnard, Lemon, Lewis, Little, Lomax, Matlock, McClure, McKinney, MPheeters, Newell, Pabody, Reid of F. Roberts, Steele, Stevens, Wallace, Work and Moore, Speaker—30.

And so said bill was lost.

On motion of Mr. Read of D. and M.,

The committee of the whole house to whom was committed, the bill to ascertain the value of taxable property, was discharged from the further consideration thereof.

Mr. Beard then moved to postpone the further consideration of said bill until the first Monday in December next.

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Allen, Beard, Blair, Brown, Clendenin, Decoursey, De Pauw, Elliott, Graham, Howk, Jones, Judah, Lemon, Levenworth, Lewis, Lomax, McClure, McKinney, MPheeters, Newell, Pollock, Reid of F., Smiley, Stapp, Steele, Stevens, Veatch, Watts and Work—28.

And those who voted in the negative are,

Messrs. Adams, Annable, Boon, Claypool, Craig, Hendricks, Huntington, Irwin, Jackson, Johnson of P., Johnston of V. and W., Kinnard, Little, Long, Marshall, Matlock, Pabody, Percy, Read of D. and M., Roberts, Wallace, Wilson and Moore, Speaker—23.

And so said motion was carried in the affirmative.

On motion of Mr. Lomax,

The committee of the whole house, to whom was committed, the joint resolution for the relief of C. G. Brown was discharged from the further consideration thereof.

Mr. Wilson then moved to postpone the further consideration of the same indefinitely.

And the ayes and noes being required thereon by two members, the same are as follows, viz:

Those who voted in the affirmative are,

Messrs. Adams, Allen, Beard, Blair, Brown, Clendenin, Craig, De Pauw, Elliott, Hendricks, Howk, Irwin, Jackson, Jones, Judah, Kinnard, Lewis, Little, Lomax, Matlock, M'Pheeters, Newell, Percy, Reid of F., Smiley, Stevens, Veatch, Wallace, Watts, Wilson and Work—31.

And those who voted in the negative are,

Messrs. Annable, Bassett, Boon, Claypool, Decoursey, Graham, Huntington, Johnston of V. and W. Lemon, Levenworth, M'Kinney, M'Clure, Pabody, Read of D. and M., Roberts, Stapp, Steele and Moore, Speaker—18.

And so said motion was carried in the affirmative.

On motion of Mr. Judah,

The committee of the whole house to whom was committed, the engrossed bill from the senate entitled an act to amend the act entitled an act providing for the incorporation of towns, approved, January 30, 1824, was discharged from the further consideration thereof.

Mr. Lemon moved to amend said bill, in the first section, by striking out the words following: "but in no case shall real estate, the property of minors, femes covert, be sold for a corporation tax."

Which motion was decided in the negative.

Mr. Graham moved further to amend said bill, in the second section, by striking out the words following after the word "and," in the 12th line, viz:

"And all sales heretofore made, of real estate, by any collector of corporation taxes, or dues under or conformable to the provisions of the act to which this is an amendment, are hereby declared valid."

Which motion was decided in the negative.

Mr. Adams moved further to amend said bill, in the first section, by the addition of the words following at the end thereof, viz.

"But in all cases of sales of the real property of infants, for any taxes, the said infants shall have the right of equity of redemption, until one year after they become of age, on payment of 100 per cent. per annum to the purchaser or purchasers of said real estate."

And debate arising thereon,

Mr. Irwin called for the previous question, and the call being seconded by three members;

The said previous question was then put in the form prescribed by the rules of the house, that is to say: Shall the main question be now put?

And it passed in the affirmative.

The said main question, viz: Shall said bill pass to a third reading? was then put;

And it passed in the affirmative.

To-day was then assigned for the third reading of the bill.

The said bill was then read the third time, and the question being put, Shall said bill pass?

And the ayes and noes being required thereon by two members, the same are as follows, viz:

Those who voted in the affirmative are,

Messrs. Adams, Annable, Beard, Bassett, Boon, Brown, Claypool, Clendenin, Decoursey, De Pauw, Elliott, Irwin, Jackson, Johnston of V. and W. Jones, Judah, Kinnard, Levenworth, Lewis, Little, Lomax, Long, M'Clure, M'Kinney, M'Pheeters, Newell, Pollock, Reid of F., Smiley, Steele, Stevens, Veatch and Worth—33.

And those who voted in the negative are,

Messrs. Blair, Craig, Graham, Hendricks, Howk, Huntington, Johnson of P. Lemon, Marshall, Matlock, Pabody, Percy, Read of D. and M., Roberts, Slaughter, Stapp, Wallace, Watts, Wilson, Work and Moore, Speaker—21.

And so said bill passed without amendment.

Ordered, That the clerk inform the senate thereof.

A message was received from the senate, by Mr. Dill, their secretary, announcing that the senate have passed the following bills and joint resolutions, to wit:

An engrossed bill of the House of Representatives, entitled "an act to establish a state road from Indianapolis, via Danville and Rockville, to Montezuma;" with amendments, in which the concurrence of the House of Representatives is requested;

They have passed the joint resolution of the House of Representatives, respecting certain lots in the town of Indianapolis; without amendment.

They have also passed an original bill entitled, an act to improve the navigation of certain rivers in this state; and a joint resolution of the General Assembly of the state of Indiana, authorising the treasurer of state to purchase a book and make certain records therein; in which bill and resolution the concurrence of the House of Representatives is requested.

The amendments made by the senate, to the engrossed bill of this house, entitled an act to estab-

lish a state road from Indianapolis by Danville and Rockville to Montezuma, were read and agreed to by the house; the second amendment with an amendment.

Ordered, That the clerk inform the senate thereof and ask their concurrence in said amendment.

The engrossed bill, from the senate, entitled an act to improve the navigation of certain rivers in this state, was read the first time; when

Mr. Pabody moved to reject the same.

And the ayes and noes being required thereon by two members, the same are as follows, viz:

Those who voted in the affirmative are,

Messrs. Brown, Claypool, Elliott, Graham, Hendricks, Howk, Jackson, Jones, Lemon, Lewis, Little, Lomax, M'Kinney, M'Pheeters, Newell, Pabody, Reid of F., Steele, Watts, Work, Worth and Moore, Speaker—22.

And those who voted in the negative are,

Messrs. Adams, Allen, Annable, Beard, Bassett, Blair, Boon, Clendenin, Craig, Decoursey, Huntington, Irwin, Johnson of P., Johnston of V. and W., Judah, Kinnard, Levenworth, Long, Marshall, Matlock, M'Clure, Percy, Pollock, Read of D. and M., Roberts, Slaughter, Smiley, Spann, Stapp, Stevens, Veatch Wallace and Wilson—33.

And so said motion was decided in the negative.

And then the house adjourned until two o'clock, P. M.

2 o'clock, P. M.

The house met pursuant to adjournment.

The house resumed the consideration of the en-

grossed bill from the senate, entitled an act to improve the navigation of certain rivers in this state.

The said bill was then read the second time, the rules of the house having first been dispensed with.

Mr. Slaughter moved to amend said bill, in the first section, by the addition of the following at the end thereof, viz:

“That three hundred dollars is hereby appropriated, and to be applied to clearing out Big Blue river, beginning at Fredericksburg, and continuing to the mouth of the same; and that John Gibson, of Harrison county, is hereby appointed commissioner to attend the same, who is to be governed according to the provisions of this act.”

Which motion was carried in the affirmative.

Mr. Claypool moved further to amend said bill, by adding the following at the end of the first section thereof, to wit:

“That the sum of five hundred dollars is hereby appropriated, for the purpose of improving the navigation of the West fork of White water river, from Goodlander’s mill, in the county of Fayette, to the junction of the same, with the east fork of said river, and that Allen Chisler of the county of Fayette is appointed a commissioner to draw and apply the sum aforesaid, in pursuance of the provisions of this act. That the sum of four hundred dollars is hereby appropriated for the purpose of improving the navigation of the East fork of White water river, from Brownsville in Union county, to the junction of the same, with the West fork of said river, and that James Baird of Brownsville be appointed a commissioner to draw and apply the sum aforesaid in pursuance of the provisions of this act: That the sum of five hundred dollars is hereby appropriated for the purpose of improving the navigation of White water river, from Brookville, in Franklin county, to the point at which the Ohio state line crosses said river,

and that Samuel Goodwin of Brookville be a commissioner to draw and apply the sum aforesaid, in pursuance of the provisions of this act."

And debate arising thereon,

Mr. Craig called for the previous question; and the call being seconded by three members;

The said previous question was put in the form prescribed by the rules of the house, that is to say: Shall the main question be now put?

And it passed in the affirmative.

The said main question, to wit: Shall the amendment to said bill be engrossed, and with said bill read a third time to-morrow? was then put.

And the ayes and noes being required thereon, by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Adams, Allen, Annable, Beard, Bassett, Blair, Boon, Craig, Decoursey, De Pauw, Hutington, Irwin, Johnson of P., Johnston of V. and W., Judah, Kinnard, Levenworth, Long, Marshall, Matlock, M'Clure, Percy, Pollock, Read of D. & M., Roberts, Slaughter, Smiley, Veatch, Wallace and Wilson—30.

And those who voted in the negative are,

Messrs. Brown, Campbell, Claypool, Clendenin, Elliott, Graham, Hendricks, Howk, Jackson, Jones, Lemon, Lewis, Little, Lomax, M'Kinney, M'Pheeters, Newell, Pabody, Reid of F., Spann, Stapp, Steele, Watts, Work, Worth and Moore, Sp'r—26.

And so said question was carried in the affirmative.

The engrossed joint resolution from the senate, authorising the treasurer of state to purchase a book and make certain records therein, was read the first.

second and third times and passed; the rules of the house having first been dispensed with.

Ordered, That the clerk inform the senate thereof.

Mr. Worth from the joint committee for enrolled bills, made the following report, viz:

The joint committee for enrolled bills, report that they have compared the enrolled with the engrossed bill, entitled

An act making general appropriations for the year 1828; Also,

A joint resolution respecting certain lots in the town of Indianapolis.

And find the same truly enrolled.

When the speaker signed the said bill and joint resolution.

Ordered, That the Clerk carry the same to the senate for the signature of their president.

A message was received from the Senate, by Mr. Farnham, their assistant secretary, announcing that

The senate refuse to concur in the amendments proposed by the House of Representatives to the engrossed bill of the senate, entitled an act to amend the several acts now in force in this state relative to assessing and collecting the revenue, marked No. 1, 2, 3, 4 and 6; and concur in the amendments made to said bill, marked 5, 7, 8, 9 and 10:

They have passed the following bill of the House of Representatives entitled an act, to wit:

An act supplemental to an act entitled an act to amend an act entitled an act to provide for the election of President and Vice President of the United States; Also,

A joint resolution of this house requiring certain duties to be performed by the Agent of state at the town of Indianapolis; both without amendment.

Mr. M'Kinney moved that this house recede from their first amendment made to the revenue bill.

Which motion was carried in the affirmative.

Mr. Lemon moved that this house insist on their second amendment to said bill.

Which motion was carried in the affirmative.

Mr. Lemon moved that this house recede from their third amendment made to said bill.

Which motion was carried in the affirmative.

Mr. Little moved that this house insist on their fourth amendment to said bill.

Which motion was carried in the affirmative.

Mr. Wilson moved that this house recede from their sixth amendment to said bill.

Which motion was carried in the affirmative.

Ordered, That the clerk inform the senate thereof.

And then the house adjourned until six o'clock, P. M.

6 o'clock, P. M.

The house met pursuant to adjournment.

Mr. Marshall, from the joint committee for enrolled bills, made the following report, to wit:

The joint committee on enrolled bills, did on this day, present to his excellency, the Governor, for his approval and signature, the following enrolled bills entitled acts and joint resolutions:

An act to amend an act entitled an act amendatory of the law, and for the better advancement of justice, approved January 20th, 1826;

An act supplemental to an act declaring Blue river a public highway;

An act to amend an act entitled "an act to establish county seminaries in the several counties therein named," approved January 26, 1827;

An act making general appropriations for the year 1828.

A joint resolution and communication of the General Assembly of the state of Indiana, to the General Assembly of the state of Ohio, on the subject of

connecting the waters of the Wabash river with those of Lake Erie.

A joint resolution respecting certain lots in the town of Indianapolis.

An act to amend the several acts regulating the judicial circuits, and fixing the times of holding courts therein;

An act to divorce Elizabeth and Reuben Stout;

An act to dissolve the Connersville library association;

An act establishing the boundary line of Decatur county;

An act to amend an act entitled "an act to provide for the election of electors of president and vice president of the United States;"

An act to incorporate the Indianapolis and Whitewater turnpike company;

An act to incorporate the Franklin cotton manufacturing company and the Whitewater cotton manufacturing company; and

An act to divorce certain persons therein named;
And,

A joint resolution relative to the navigation of the Wabash river.

Mr. Bassett moved to reconsider the vote ordering to a third reading on to-morrow, the engrossed bill from the senate entitled an act to improve the navigation of certain rivers in this state.

Which motion was carried in the affirmative.

Mr. Stapp then moved that the rules of the house be further dispensed with, and said bill be read a third time now.

Which motion was also carried in the affirmative.

The said bill, viz: An engrossed bill from the senate entitled an act to improve the navigation of certain rivers in this state, was then read the third time.

And the question being put, Shall said bill pass?

And the ayes and noes being required thereon by two members, the same are as follows, viz:

Those who voted in the affirmative are,

Messrs. Adams, Allen, Annable, Bassett, Blair, Boon, Craig, Decoursey, Hendricks, Huntington, Irwin, Johnson of P., Johnston of V. and W., Judah, Kinnard, Levenworth, Long, Marshall, Matlock, M'Clure, Percy Pollock, Read of D. and M., Roberts, Slaughter, Smiley, Wilson and Moore Sp'r—28.

And those who voted in the negative are,

Messrs. Brown, Claypool, Clendenin, Elliott, Graham, Hawk, Jackson, Jones, Lemon, Lewis, Little, Lomax, M'Kinney, M'Pheeters, Newell, Pabody, Reid of F., Spann, Stapp, Steele, Wallace, Watts, Work and Worth—24.

And so said bill passed as amended.

Ordered, That the clerk carry the same to the senate and ask their concurrence in said amendment.

A message was received from the senate, by Mr. Farnham, their assistant secretary, announcing that the senate concur in the amendment proposed by the house of representatives, to the engrossed bill of the senate entitled an act to authorize persons to retail spiritous liquors without the requisitions of a tavern keeper.

They also concur in the amendments proposed by the house of representatives to the amendments proposed by the senate, to the engrossed bill of the house of representatives, entitled an act to establish a state road from Indianapolis, via Danville and Rockville, to Montezuma.

They also concur in the amendment proposed by the house of representatives to the engrossed bill of the senate entitled an act to establish a loan office in the state of Indiana.

They have passed an engrossed bill of this house entitled an act making specific appropriations for the year 1828, with amendments—Also, original bills, entitled acts, as follows:

An act to amend an act entitled an act to establish a state road from Terre-Haute to Fort-Wayne;

And an act to amend the act entitled an act regulating divorces, approved January 22, 1824.

In which last named bills, together with the amendments to the preceding, the concurrence of the house of representatives is requested.

They have passed engrossed bills of the house of representatives, of the following titles, viz:

An act for the relief of William Williams and Jesse Gifford;

An act for locating and opening a state road from the Ohio river opposite the Yellow Banks in Kentucky, to Princeton; both without amendment; also,

An act to authorize the leasing of a part of section 16, in township No. 15, north of range No. 7, east, in Hancock county, with an amendment; in which the concurrence of the house of representatives is requested.

The amendments made by the senate to the bill of this house making specific appropriation for the year 1828, were severally read, and agreed to by the house.

Ordered, That the clerk inform the senate thereof.

The house also agree to the amendment made by the senate to the bill of this house authorizing the leasing of certain school lands in Hancock county.

Ordered, That the clerk inform the senate thereof.

The engrossed bill from the senate entitled an act to amend the act to establish a state road from Terre-Haute to Fort-Wayne, was read the first and second times, the rules the house having first been dispensed with.

Mr. Huntington moved to amend said bill, by adding the following as a third section thereto, viz:

"That Josephus Collett and John M. Colman be allowed the sum of \$100, for services rendered and monies expended by them in the location of a state road from Terre-Haute to Crawfordsville, to be paid out of the three per cent. fund."

Which motion was decided in the negative.

The rules of the house were then further dispensed with, and said bill was read the third time and passed without amendment.

Ordered, That the clerk inform the senate thereof.

The engrossed bill from the senate entitled an act to amend the act entitled an act to regulate divorces, approved January 22d, 1824, was read the first time; when

Mr. Irwin moved to reject the same.

Which motion was decided in the negative.

The rules of the house were then dispensed with, and said bill was read the second and third times, and the question being put, Shall said bill pass?

And the ayes and noes being required thereon by two members, the same are as follows, to wit:

Those who voted in the affirmative are,

Messrs. Annable, Blair, Boon, Claypool, Decoursey, Graham, Huntington, Johnston of V. and W., Jones, Levenworth, Little, Lomax, Long, M'Clure, M'Kinney, M'Pheeters, Read of D. and M., Reid of F., Slaughter, Smiley, Steele, Wilson, Worth and Moore, Speaker—24.

And those who voted in the negative are,

Messrs. Adams, Allen, Bassett, Brown, Clendenin, Elliott, Hendricks, Irwin, Jackson, Judah. Kinnard, Lemon, Lewis, Marshall, Matlock, Newell, Pabody,

Pearcy, Pollock, Roberts, Stapp, Wallace, Watts and Work—24.

And so said bill was lost.

On motion of Mr. Long,

Resolved unanimously, That the thanks of this house be tendered to Harbin H. Moore, Speaker thereof, for the able, dignified, impartial and correct manner in which he has presided over its deliberations during the present session.

Mr. Read of D. and M. moved to take up the joint resolution authorizing the agent of the three per cent. fund to pay over to the board of justices of Knox county, a certain sum of money.

Which motion was decided in the negative.

A message was received from the senate, by Mr. Farnham, their assistant secretary, announcing that the senate recede from their objections to the 2d and 4th amendments proposed by the house of representatives to the engrossed bill of the senate entitled an act to amend the several acts now in force in this state for assessing and collecting the revenue.

They reciprocate the resolution of the house of representatives, of the 17th instant, appointing Thursday the 24th, inst., for an adjournment of their body, *sine die*.

The senate concur in the amendment proposed by the house of representatives to the engrossed bill of the senate, entitled an act to improve the navigation of certain rivers in this state.

Mr. Worth, from the joint committee for enrolled bills, made the following report, to wit:

The joint committee for enrolled bills, report that they have compared the enrolled with the engrossed bills, entitled acts, as follows, to wit:

An act to provide for surveying and marking a road from Lake Michigan to Indianapolis;

An act to provide for the government of the seminary of Knox county;

An act to attach certain territory to the counties therein named; and

An act to establish a college in the state of Indiana.

And find the same truly enrolled.

When the speaker signed the said bills.

Ordered, That the clerk carry the same to the senate for the signature of their president.

The following message was received from the Governor, by John N. Wick, viz:

Mr. Speaker,

I am instructed, by the Governor, to announce to the House of Representatives, that

An act to establish a state road from Carlisle in Sullivan county, to Spencer in Owen county;

An act to locate and open a state road from Crawfordsville, in Montgomery county, to Indianapolis;

An act for the relief of Robert Martin;

An act vacating the town of Greenfield, in the county of Vigo; have on this day, January 23, received his approbation and signature, and are now on file in the office of the secretary of state.

And then the house adjourned until to-morrow morning, six o'clock.

THURSDAY MORNING, JANUARY 24, 1828.

The house met pursuant to adjournment.

Mr. Claypool moved to withdraw the petition of Adam Banks and others, praying for an alteration in the boundaries of Fayette and Wayne counties.

Which leave was accordingly granted.

Mr. Bassett moved to withdraw the petition of the board of justices of Dearborn county, together with the petition of Thomas Longley and others, on the subject of laying an additional tax on property and polls in said county.

Which leave was accordingly granted.

Mr. Levenworth moved to withdraw the petitions and other documents relative to the relocation of the seat of justice of Crawford county.

Which leave was accordingly given.

Mr. Marshall, from the joint committee for enrolled bills, made the following report, to wit:

The joint committee on enrolled bills, did on this day, present to his excellency, the Governor, for his approval and signature, the following enrolled bills entitled acts, to wit:

An act to provide for surveying and marking a road from Lake Michigan to Indianapolis;

An act to attach certain territory to the counties therein named;

An act to establish a college in the state of Indiana;

An act to provide for the government of the seminary of Knox county.

Mr. Worth from the joint committee for enrolled bills, made the following report, viz:

The joint committee for enrolled bills, have compared the enrolled with the engrossed bills, entitled acts, as follows, to wit:

An act supplemental to an act entitled an act to amend an act entitled an act to provide for the election of electors of President and Vice President of the United States;

An act for locating and opening a state road from the Ohio river, opposite the Yellow Banks, in Kentucky, to Princeton;

An act for opening and repairing public roads and highways;

An act for the relief of William Williams and Jesse Gifford. Also,

A joint resolution requiring certain duties to be performed by the Agent of state for the town of Indianapolis;

An act to authorize the leasing of section 16, in township numbered 15 north, of range numbered seven east, in Hancock county, and for other purposes;

An act making specific appropriations for the year 1828;

An act to establish a state road from Indianapolis, via Danville and Rockville, to Montezuma;

An act to provide for the relocation of the seat of justice of Martin county, and extending the boundaries thereof;

An act to amend an act entitled an act to establish a state road from Terre-Haute to Fort-Wayne;

An act to authorize persons to retail spiritous liquors without the requisitions of a tavern keeper;

An act to authorize the loaning of the Seminary funds.

An act to enable the inhabitants of the congressional townships in the several counties in this state, to express their assent or dissent to the sale of the sixteenth section in their respective townships.

Also the following joint resolutions, to wit:

A joint resolution of the General Assembly of the state of Indiana, authorising the treasurer of state to purchase a book and make certain records therein. And,

A joint resolution of the general assembly.

And find the same truly enrolled.

When the speaker signed said bills and joint resolutions.

Ordered, That the Clerk carry the same to the senate for the signature of their president.

On motion of Mr. Stapp,

Resolved, That a committee be appointed on the part of this house, to act with a similar committee to be appointed on the part of the senate, to wait upon his Excellency, the Governor, and inform him that the two houses of the General Assembly having gone through their legislative business, are now ready to adjourn, *sine die*, provided he has no further communications to make to them.

Ordered, That Messrs. Stapp and Hawk be that committee on the part of this house, and that the clerk inform the senate thereof.

A message was received from the Senate, by Mr. Farnham, their assistant secretary, announcing that the senate have been officially informed, that the Governor has approved and signed the following enrolled bills, entitled acts, passed at this session; which originated in the senate, viz:

An act to organize the county of Hancock;

An act for the benefit of the devisees of Thomas Watts, deceased;

An act to establish a levee to preserve the road leading from Vincennes, through the Lower Prairie, near to the Wabash river;

An act to provide for the purchase of stationary for the use of the general assembly, and also for the public printing;

An act to amend an act entitled an act to regulate the militia of the state of Indiana, approved January 20, 1824;

An act to amend an act entitled an act to provide for the partition of real estate, approved January 2, 1824;

An act making further provision for the sale of the seminary townships of land in the counties of Gibson and Monroe, and for other purposes;

An act to authorize the qualified voters of this

state to vote for or against a convention for a revision of the constitution of this state;

An act for the benefit of Henry Markle;

An act to divorce Elizabeth and Reuben Stout;

An act to amend an act entitled an act amendatory of the law, and for the better advancement of justice, approved January 20th, 1826;

An act supplemental to an act declaring Blue river a public highway;

An act to amend an act entitled "an act to establish county seminaries in the several counties therein named," approved January 26, 1827;

An act to improve the navigation of certain rivers in this state;

An act to incorporate the Franklin cotton manufacturing company, and White water cotton manufacturing company;

An act to divorce certain persons therein named;

An act to enable the inhabitants of the congressional townships in the several counties in this state, to express their assent or dissent to the sale of the sixteenth section in their respective townships;

An act to provide for printing and distributing the laws and journals of the present session;

An act to incorporate the Indianapolis Steam Mill Company;

An act attaching certain territory to the counties therein named;

An act to amend the law regulating grist mills and millers;

An act for the relief of Joseph Campbell;

An act to divorce Nancy Maddox from her husband, David T. Maddox;

An act to amend an act entitled an act to establish a state library, approved Feb'y 11, 1825;

An act to establish a state road from Newcastle in Henry county, to Lafayette in Tippecanoe county;

An act legalizing the proceedings of the board of county commissioners of Shelby county;

An act to establish a college in the state of Indiana;

An act for surveying and marking a state road from Lake Michigan to Indianapolis;

An act to provide for the government of the seminary of Knox county;

An act to amend the several acts now in force in this state for assessing and collecting the revenue;

An act for the relief of John Spencer, collector of Dearborn county, and for other purposes;

An act to authorize persons to retail spiritous liquors without the requisitions of a tavern keeper;

An act authorizing the loaning of the Seminary funds;

An act to amend an act entitled an act to establish a state road from Terre-Haute to Fort-Wayne;

Joint resolutions of the general assembly relative to purchasers of the public lands;

A joint resolution relative to the procuring of a complete set of the journals of Congress, and other public documents;

A joint resolution of the general assembly relative to the western mail route from Louisville, in Kentucky, to St. Louis, in Missouri;

A joint resolution and communication of the General Assembly of the state of Indiana, to the General Assembly of the state of Ohio, on the subject of connecting the waters of the Wabash river with those of Lake Erie;

A joint resolution of the general assembly on the subject of domestic manufactures and internal improvements;

A joint resolution of the General Assembly of the state of Indiana, authorising the treasurer of state to purchase a book and make certain records therein.

All of which acts and joint resolutions originated in the Senate.

The senate have adopted the following resolution:

Resolved, That a committee be appointed on the part of the senate, to act with a similar committee appointed on the part of the house of representatives, to wait upon his Excellency, the Governor, and inform him that the two houses of the general assembly have gone through their business, and are now ready to adjourn, *sine die*, provided he has no further communication to make to them, and that Messrs. Colman and Clark are appointed that committee.

Mr. Worth from the joint committee for enrolled bills, made the following report, viz:

The joint committee for enrolled bills, now report that they have compared the following enrolled with the engrossed bills, entitled acts, to wit:

An act to amend the act entitled an act providing for the incorporation of towns, approved January 30th, 1824;

An act to amend the several acts now in force in this state relative to assessing and collecting the revenue;

An act for the relief of John Spencer, collector of Dearborn county, and for other purposes; and also

A joint resolution of the general assembly of the state of Indiana, on the subject of internal improvements and domestic manufactures;

And find the same truly enrolled. And also,

An act to improve the navigation of certain rivers in this state.

Mr. Marshall, from the joint committee for enrolled bills, made the following report, to wit:

The joint committee on enrolled bills, now report, that they did on this day, present to his excellency, the Governor, for his approval and signature, the following enrolled bills entitled acts, to wit:

An act for opening and repairing public roads and highways;

An act for locating and opening a state road from the Ohio river, opposite the Yellow Banks, in Kentucky, to Princeton;

An act for the relief of William Williams and Jesse Gifford;

An act supplemental to an act entitled an act to amend an act entitled an act to provide for the election of electors of President and Vice President of the United States;

An act to establish a state road from Indianapolis, via Danville and Rockville, to Montezuma;

An act making specific appropriations for the year 1828;

An act to authorize the leasing of section 16, in township numbered 15 north, of range numbered seven east, in Hancock county, and for other purposes;

An act to authorize persons to retail spiritous liquors without the requisitions of a tavern keeper;

An act to amend an act entitled an act to establish a state road from Terre-Haute to Fort-Wayne;

An act to provide for the relocation of the seat of justice of Martin county, and extending the boundaries thereof;

An act to enable the inhabitants of the Congressional townships in the several counties in this state to express their assent or dissent to the sale of the sixteenth section in their respective townships;

An act to authorize the loaning of the seminary funds;

An act to amend the act entitled an act providing for the incorporation of towns, approved January 30th, 1828;

An act to amend the several acts now in force in this state relative to assessing and collecting the revenue;

An act for the relief of John Spencer, collector of Dearborn county, and for other purposes; and

An act to improve the navigation of certain rivers in this state.

A message from the Governor, by William W. Wick, Secretary of State, viz:

Mr. Speaker,

I am instructed, by the Governor, to announce to the House of Representatives, that

An act to establish a college in the state of Indiana;

An act to incorporate the Indianapolis and White-water turnpike company;

An act to amend the several acts regulating the judicial circuits, and fixing the times of holding courts therein;

An act to dissolve the Connersville library association;

An act establishing the boundary line of Decatur county;

An act to amend an act entitled "an act to provide for the election of electors of president and vice president of the United States;"

An act making general appropriations for the year 1828;

And also, joint resolutions of the following titles, to wit:

A joint resolution relative to the navigation of the Wabash river;

A joint resolution respecting certain lots in the town of Indianapolis.

A joint resolution and communication of the general assembly of the state of Indiana, to the general assembly of the state of Ohio, on the subject of connecting the waters of the Wabash river with those of Lake Erie;

A joint resolution of the general assembly of the state of Indiana, authorizing the treasurer of state to

purchase a book, and make certain records therein.

A joint resolution of the general assembly;

A joint resolution requiring certain duties to be performed by the Agent of state for the town of Indianapolis;

A joint resolution of the general assembly of the state of Indiana, on the subject of internal improvements and domestic manufactures; and

A joint resolution to provide the Wabash and Miami canal commissioners with a copy of Strickland's reports;

An act making specific appropriations for the year 1828;

An act for the relief of William Williams and Jesse Gifford;

An act to establish a state road from Indianapolis, via Danville and Rockyville, to Montezuma;

An act supplemental to an act entitled an act to amend an act entitled an act to provide for the election of electors of President and Vice-President of the United States, approved January 23, 1828;

An act for locating and opening a state road from the Ohio river opposite the Yellow Banks in Kentucky, to Princeton;

An act to authorize the leasing of section 16, in township numbered 15 north, of range numbered 7, east, in Hancock county, and for other purposes;

And,

An act for opening and repairing public roads and highways; have on this day, received his approbation and signature.

Mr. Stapp, from the committee appointed to wait upon the Governor, and inform him that both houses having *now* gone through their legislative business, are ready to adjourn, *sine die*, provided he should have no further communication to make to them, reported that said committee had performed that duty, and had received for answer, from the Governor,

that he had no further communication to make to them.

On motion of Mr. Bassett,

Resolved, That the senate be informed that the house of representatives having gone through their legislative business, are now ready to adjourn, *sine die*.

A message from the senate, by Mr. Farnham, their assistant secretary:

Mr. Speaker,

I am instructed to inform this house that the senate having gone through their legislative business, are now ready to adjourn without day.

Mr. Wilson then moved that this house do now adjourn, *sine die*; upon which,

The Speaker rose from his chair, and addressed the house as follows:

Gentlemen of the House of Representatives,

Our labors for the present session are about to terminate, with the close of the twelfth session of the general assembly of Indiana, since the organization of her state government.

At the commencement of the session, I expressed to you, gentlemen, the high sense of gratitude entertained by me, for the distinguished mark of your confidence and favor, by elevating me to the chair. I have now to acknowledge, with unfeigned and increased gratitude, the renewed evidence of your friendly considerations of me, arising from the resolution which you have adopted, expressive of your kind approbation of my services as your presiding officer.

To meet in any degree your expectation; and to merit, even partially, that approbation which has been so generously and liberally accorded to me, has been, let me assure you, while discharging the duties of this responsible and elevated situation, the summit of my most ardent wishes. But that I can

have entirely escaped error, I have not the vanity for a moment to imagine. It is however, particularly gratifying, that in the numerous errors I may have committed, which I trust have been in points not material, and I know to have been unintentional, that such has been your unhesitating aid and support of the chair, mingled with an indulgent and generous forbearance, as suddenly to relieve it from every embarrassment. And such too, has been the mild and dignified deportment of this house during the whole session, as in very few instances, if any, to require the interposition of a presiding officer.

To receive the approbation of our country, must at all times be considered, the richest reward which can be bestowed on a citizen in the public service; and to receive the expression of that approbation from the representatives of the people, with many of whom, it has been my fortune at various times, since my first appearance in public life, as far back as eleven years ago to be associated in the toils of legislation, gives to it, in my estimation, an increased degree of interest—more particularly so, when I recollect, that this is the second occasion, for two successive sessions, in which I have been honored with this high mark of your confidence.

For these testimonials of your regard; for the good order and decorum which has been observed; and for the undiminished personal friendship so uniformly manifested towards me, by each one of you upon all occasions during our intercourse, be pleased, gentlemen, to accept my sincerest thanks; and as the only additional return which it is in my power, now to offer, permit me to say that, these things, shall ever be cherished by me, as among the most precious recollections down to the latest moment of my life.

For the first three weeks of the session, it was believed, and anxiously looked for, that the Legisla-

ture" would be enabled to adjourn at the expiration of five, or six weeks at most; but such has been the unexpected accumulation of local business, forwarded from almost every part of the state, and presented at a late period, which was delayed in consequence of high waters and badness of the roads, as to protract the session until this time. During our labors, there have been passed, and approved by the Governor, ninety-two laws; including joint resolutions. At no former session, I believe, has there ever been business of a more difficult, important and interesting character, both of a local and general nature, presented for the consideration of our Legislature, than at the present; and never perhaps, less time occupied in lengthy and useless discussion.

How far, however, we shall be fortunate enough to command the approving sanction of our constituents, in the measures we have adopted for them, must be submitted to the test of time and experience to determine; and it may be, that when this test is applied, even we ourselves, may recognize some defects—though I trust, that in every review of those measures, whatever may have been the difference of opinion in relation to the means, it will be found by our constituents, that we have all had in view one great, one common end—The advancement of our country's welfare.

Suffer me to express a wish, gentlemen, that that friendship; attachment which it is natural for you to have formed for each other, whilst toiling together in the service of your country, may only wear out with your lives. That if at any unfortunate moment, struggling with sectional interests, and against opposite opinions, all having in view the same great object, the public good—personal feelings of an unfriendly sort should at any time have arisen, let me ask of you now, if not already obliterated, to bury and magnanimously forget them.

The moment has now arrived, gentlemen, when we must separate; many of you perhaps, I shall never meet again. Entertaining for each one of you, no other sentiment, than the warmest feeling of friendship, allow me to add my sincere desire, that you may find a safe and happy return to the bosom of your respective families--where surrounded by friends and relatives, at your own quiet and cheerful fireside, you may again enjoy the endearments of home. May you long live, each one to share the merited reward which your labors entitle you to.

And then the House adjourned, *sine die*.

HENRY P. THORNTON, *Clerk*
of the *House of Representatives*.

In obedience to an act, entitled an act, authorising the laying off certain state roads and appropriating \$100,000 of the fund commonly called the three per cent. fund for opening the same, approved January 20, 1827, I make the following statement of roads received from road commissioners, to-wit:

No. of Road		Appropriation Each road.	Appropriated to opening and repairs.	Damaged by surveys, chain carriers & markers, other fees.	Clerks' Record- ing Fees & other fees.	Commissioner's services.	Surveyors, chain carriers & markers allowance.	Balance in Commissioner's hands.	Balance in Commissioner's hands.
2	Cash paid Commissioners, surveyors allowed, Commissioner's services, Chain carrier allowance, Markers' allowance. A report has been received from this road which I cannot make out.	\$9,96 71	4,80 17	.	.	\$80 00	112 00	.	.
3	Cash paid Commissioners, surveyors allowed, Commissioner's services, Chain carrier allowance, Markers' allowance. A report has been received from this road which I cannot make out.	9,211 44	1,540 26	.	.	339 00	129 00	.	.
4	Cash paid Commissioners, surveyors allowed, Commissioner's services, Chain carrier allowance, Markers' allowance. A report has been received from this road which I cannot make out.	2,515 32	2,040 18 1/2	78 25	7 75 8	304 75	123 50	7 94	5 79
5	Cash paid Commissioners, surveyors allowed, Commissioner's services, Chain carrier allowance, Markers' allowance. A report has been received from this road which I cannot make out.	7,147 47	4,161 91	30 64 1-2	4 60	1174 50	78 00	186 16	.
6	Cash paid Commissioners, surveyors allowed, Commissioner's services, Chain carrier allowance, Markers' allowance. A report has been received from this road which I cannot make out.	4,402 25	3,617 72 3-4	.	.	538 91 1-2	320 25	446 18 1-2	.
7	Cash paid Commissioners, surveyors allowed, Commissioner's services, Chain carrier allowance, Markers' allowance. A report has been received from this road which I cannot make out.	4,423 02	3,425 88	62 30 1-2	39 75	726 62 1-2	215 62 1-2	9 63 1-2	5 3-4
8	Cash paid Commissioners, surveyors allowed, Commissioner's services, Chain carrier allowance, Markers' allowance. A report has been received from this road which I cannot make out.	9,006 40	9,114 02 1-2	.	.	339 50	52 87 1-2	134 84	.
9	Cash paid Commissioners, surveyors allowed, Commissioner's services, Chain carrier allowance, Markers' allowance. A report has been received from this road which I cannot make out.	3,505 50	2,184 74	16 87 1-2	.	233 55 1-4	134 84	685 55 1-4	.
10	Cash paid Commissioners, surveyors allowed, Commissioner's services, Chain carrier allowance, Markers' allowance. A report has been received from this road which I cannot make out.	778 83	581 78 3-4	227 50	41 62 1-2	227 50	41 62 1-2	.	.
11	Cash paid Commissioners, surveyors allowed, Commissioner's services, Chain carrier allowance, Markers' allowance. A report has been received from this road which I cannot make out.	1,331 41	1,176 54 1-4	1 25	111 75	43 80	146 81 3-4	.	.
12	Cash paid Commissioners, surveyors allowed, Commissioner's services, Chain carrier allowance, Markers' allowance. A report has been received from this road which I cannot make out.	431 67	580 00	5 00	93 75	63 92	1 86 3-4	.	.
13	Cash paid Commissioners, surveyors allowed, Commissioner's services, Chain carrier allowance, Markers' allowance. A report has been received from this road which I cannot make out.	576 49	233 40	21 00	141 75	157 00	4 38	.	.
14	Cash paid Commissioners, surveyors allowed, Commissioner's services, Chain carrier allowance, Markers' allowance. A report has been received from this road which I cannot make out.	507 37 1-4	235 37 1-2	16 00	3 75	55 75	10 64 3-4	.	.
15	Cash paid Commissioners, surveyors allowed, Commissioner's services, Chain carrier allowance, Markers' allowance. A report has been received from this road which I cannot make out.	6,561 86	5753 57	39 04	25 00	528 25	180 00	.	.
16	Cash paid Commissioners, surveyors allowed, Commissioner's services, Chain carrier allowance, Markers' allowance. A report has been received from this road which I cannot make out.	3,5014 39 1-4	3,5014 39 1-4	352 79	120 85	5,728 91 3-4	1,888 62 1-2	1,390 04 1-4	66 32 1-2

[illegible]

B. I. BLYTHIE, Agent for 3 per cent. fund.





